



PLANNING COMMITTEE

Tuesday 14 March 2017 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of meeting held on 14 February 2017** (Pages 3 - 7)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Pages 8 - 10)
- 6 **16/01887/73A - Land At Corner Of Chapel Road And Forkers Lane, Settrington**
(Pages 11 - 24)
- 7 **16/01658/OUT - North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside** (Pages 25 - 31)

- 8 **16/01775/FUL - Land East Of Longwood Farm, Highfield Lane, Nawton** (Pages 32 - 36)
- 9 **16/01947/MFUL - Easthill, Wilton Road, Thornton Le Dale** (Pages 37 - 113)
- 10 **16/02004/MFUL - Whitethorn Farm, Marton** (Pages 114 - 125)
- 11 **16/01165/73A - The Quarrels, Back Lane, Marton** (Pages 126 - 158)
- 12 **16/01227/OUT - Land To Rear Of The Forge, North Back Lane, Terrington**
(Pages 159 - 177)
- 13 **16/01824/FUL - Land Off Main Street, Whitwell On The Hill** (Pages 178 - 200)
- 14 **16/01854/LBC - Sows Ear Cottage. 2 Staxton Farm Yard, Main Street, Staxton**
(Pages 201 - 204)
- 15 **16/02013/HOUSE - Pavilion House , The Terrace, Oswaldkirk** (Pages 205 - 220)
- 16 **17/00133/FUL - Land Adj Riverdell, Main Street, Sinnington** (Pages 221 - 246)
- 17 **Any other business that the Chairman decides is urgent.**
- 18 **List of Applications determined under delegated Powers.** (Pages 247 - 252)
- 19 **Update on Appeal Decisions** (Pages 253 - 258)

138 **Schedule of items to be determined by Committee**

The Head of Planning and Housing submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

139 **16/01881/MFUL - Spaniel Farm, Main Road, Weaverthorpe**

16/01881/MFUL - Erection of a general purpose agricultural storage building

Decision
PERMISSION GRANTED - Subject to conditions as recommended
[For 10 Against 0 Abstain 0]

140 **16/01950/MFUL - Common Farm, Upper Helmsley**

16/01950/MFUL - Erection of an equestrian building to include 40no. stables and indoor exercise track

Decision
PERMISSION GRANTED - Subject to conditions as recommended
[For 10 Against 0 Abstain 0]

141 **16/01870/FUL - Land Adj To Dhekelia, Moor Lane, Broughton**

16/01870/MFUL - Erection of detached two-bedroom dwelling with garden shed and formation of vehicular access (revised details to refusal 16/00973/FUL dated 13.09.2016)

Decision
PERMISSION GRANTED - Subject to conditions as recommended and Local Occupancy condition.
[For 9 Against 0 Abstain 0]

142 **16/01887/73A - Land At Corner Of Chapel Road And Forkers Lane, Settrington**

16/01887/73A - Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"

Decision		
SITE VISIT- 28 FEBRUARY 2017		
[For 9	Against 0	Abstain 0]

143 **16/01839/MFUL - Canadian Fields, Gale Lane, Nawton**

16/01839/MFUL - Change of use of agricultural land to allow siting of 28no. holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and associated landscaping

Decision		
PERMISSION GRANTED - Subject to conditions as recommended		
[For 8	Against 0	Abstain 0]

In accordance with the Members Code of Conduct, Councillors Windress and Farnell declared a personal non pecuniary but not prejudicial interest.

Councillor Burr declared a personal interest of such significance that she did not vote on this matter.

144 **14/00949/FUL - Canadian Fields, Gale Lane, Nawton**

14/00949/FUL - Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application)

Decision

DELEGATED CONDITIONAL APPROVAL - Full planning permission and conditions delegated to the Head of Planning. Enforcement Action authorised 18.11.2014 rescinded

[For 8 Against 0 Abstain 0]

In accordance with the Members Code of Conduct, Councillors Windress and Farnell declared a personal non pecuniary but not prejudicial interest.

Councillor Burr declared a personal interest of such significance that she did not vote on this matter.

Decision contrary to Officer's recommendation

In considering the application within the context of the policies of the adopted Local Plan Strategy read as a whole and all other material considerations, Members of the Planning Committee considered there to be fewer impacts arising from the proposal, as identified below .

In the exercise of its statutory discretion to determine planning applications in accord with the development plan unless material considerations indicate otherwise the Planning Committee weighed all the material considerations of this case in the decision making balance and reached a planning judgement that weighed in favour of approval without a time limit for the following reasons :

- The pre fabricated structure is not out of keeping with the locality in terms of its design and materials and the visual impact on the surrounding area is limited because the structure is screened by other structures and existing landscaping.
- The highway issues have been resolved as part of the application for the lodges regarding localised road widening along Gale Lane
- In terms of planning policy, the general location of restaurants is more likely to be a town centre use. However, this facility will operate as a 'mixed restaurant use' in terms of serving both residents of the camp and other members of the public

145 **16/01931/CLEUD - Whey Carr Farm, Main Street, Sand Hutton**

16/01931/CLEUD - Certificate of Lawfulness in respect of the use, building works or activity in breach of Condition 10 of approval 3/111/19C/FA dated 16.03.1993 began more than 10 years before the date of this application

Decision		
APPROVED - Subject to recommended limitations		
[For 8	Against 0	Abstain 1]

In accordance with the Members Code of Conduct, Councillor Hope declared a personal non pecuniary but not prejudicial interest.

Councillor Goodrick declared a disclosable pecuniary interest.

146 **Any other business that the Chairman decides is urgent.**

A Site Visit was arranged for application 16/01887/73A for 28 February 2017 at 10:30am.

147 **List of Applications determined under delegated Powers.**

The Head of Planning and Housing submitted for information (previously circulated) a list which gave details of the applications determined by the Head of Planning and Housing in accordance with the scheme of delegated decisions.

Meeting Closed at 7:55pm

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 14/03/17

6

Application No: 16/01887/73A

Application Site: Land At Corner Of Chapel Road And Forkers Lane Settrington Malton North Yorkshire

Proposal: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"

7

Application No: 16/01658/OUT

Application Site: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Proposal: Erection of 6no. three bedroom terraced dwellings (site area 0.21ha)

8

Application No: 16/01775/FUL

Application Site: Land East Of Longwood Farm Highfield Lane Nawton Helmsley

Proposal: Change of use of agricultural buildings and land to form camping site to include reception, office, farm shop, bike storage and the siting of 14no. timber holiday cabins together with formation of 16no. car parking spaces

9

Application No: 16/01947/MFUL

Application Site: Easthill Wilton Road Thornton-Le-Dale Pickering North Yorkshire YO18 7QP

Proposal: Erection of 9no. four bedroom dwellings, 13no. three bedroom dwellings and 4no. two bedroom dwellings with associated garaging, parking, amenity areas and formation of vehicular access to include demolition of existing dwelling and buildings

10

Application No: 16/02004/MFUL

Application Site: Whitethorn Farm Marton YO62 6PF

Proposal: Erection of a general purpose agricultural building for storage and housing of livestock to adjoin north elevation of existing agricultural building

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 14/03/17

11

Application No: 16/01165/73A

Application Site: The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

Proposal: Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993
(agricultural occupancy condition)

12

Application No: 16/01227/OUT

Application Site: Land To Rear Of The Forge North Back Lane Terrington

Proposal: Erection of dwelling with retention of outbuilding as domestic garage/store
(site area 0.064ha)

13

Application No: 16/01824/FUL

Application Site: Land Off Main Street Whitwell On The Hill Malton

Proposal: Erection of 2no. semi-detached two bedroom dwellings with formation of
associated parking area

14

Application No: 16/01854/LBC

Application Site: Sows Ear Cottage 2 Staxton Farm Yard Main Street Staxton Scarborough
North Yorkshire YO12 4TA

Proposal: Installation of a log burning stove with external flue to east elevation roof
slope

15

Application No: 16/02013/HOUSE

Application Site: Pavilion House The Terrace Oswaldkirk Helmsley YO62 5XZ

Proposal: Erection of replacement front porch and removal of front entrance steps

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 14/03/17

16

Application No: 17/00133/FUL

Application Site: Land Adj Riverdell Main Street Sinnington Pickering

Proposal: Erection of a detached four-bedroom dwelling with detached double garage and ramped personal access

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 16/01887/73A
Parish: Settrington Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr S Benson
Proposal: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"
Location: Land At Corner Of Chapel Road And Forkers Lane Settrington Malton North Yorkshire

Registration Date: 30 November 2016 **8/13 Week Expiry Date:** 25 January 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Building Conservation Officer No objection
Parish Council Object

Neighbour responses: Mr Richard Clark, Mrs Rosemary Mitchell, Keith & Sue Herdman, Mr Alan Mitchell,
Overall Expiry Date: 6 February 2017

Members will recall that the application was deferred at the last meeting on Tuesday 14th February 2017 for a site visit. A site visit took place on Tuesday 28th February 2017. The full report for this application can be viewed on the agenda of the previous meeting on Tuesday 14th February 2017. The application is recommended for approval, subject to the following conditions.

RECOMMENDATION: Approval

1 The development hereby approved shall be carried out in accordance with the submitted and agreed details as part of the discharge of conditions application 15/01130/COND regarding conditions 02, 03, 04, 05, 06, 09, 10, 11, 13, 15, 16 and 19.

Reason: To comply with Policies SP12, SP16, SP19 & SP20 of the Ryedale Plan - Local Plan Strategy.

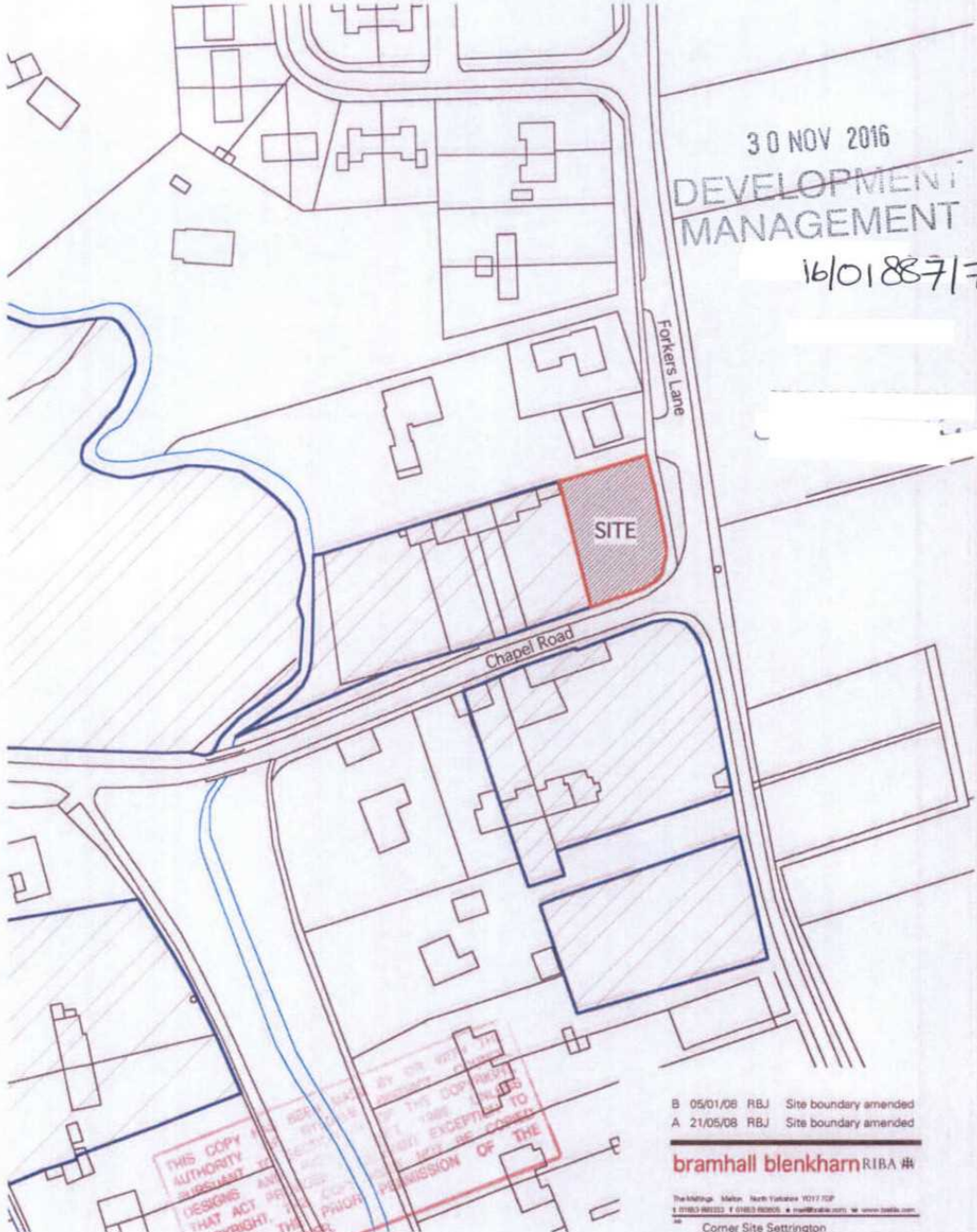
2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan - date stamped 30.11.2016.
Site Layouts - 619/21K dated 30.11.2016.

House Type Design - 619/20D dated 30.11.2016.
Window Details Eaves Detail - 619/22B dated 30.11.2016.
External Door Details - 619/23 dated 30.11.2016.
Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



30 NOV 2016
 DEVELOPMENT
 MANAGEMENT
 16/01887/73A

THIS COPY
 AUTHORITY
 SUBSISTANCE
 DESIGNS
 THAT ACT
 COPYRIGHT,
 WITHOUT THE
 COPYRIGHT OWNER.

B 05/01/08 RBJ Site boundary amended
 A 21/05/08 RBJ Site boundary amended

bramhall blenkarn RIBA #

The Ridings, Malton, North Yorkshire YO17 7DP
 T 01904 882000 F 01904 882001 A 01904 882002 W www.bramhall.com

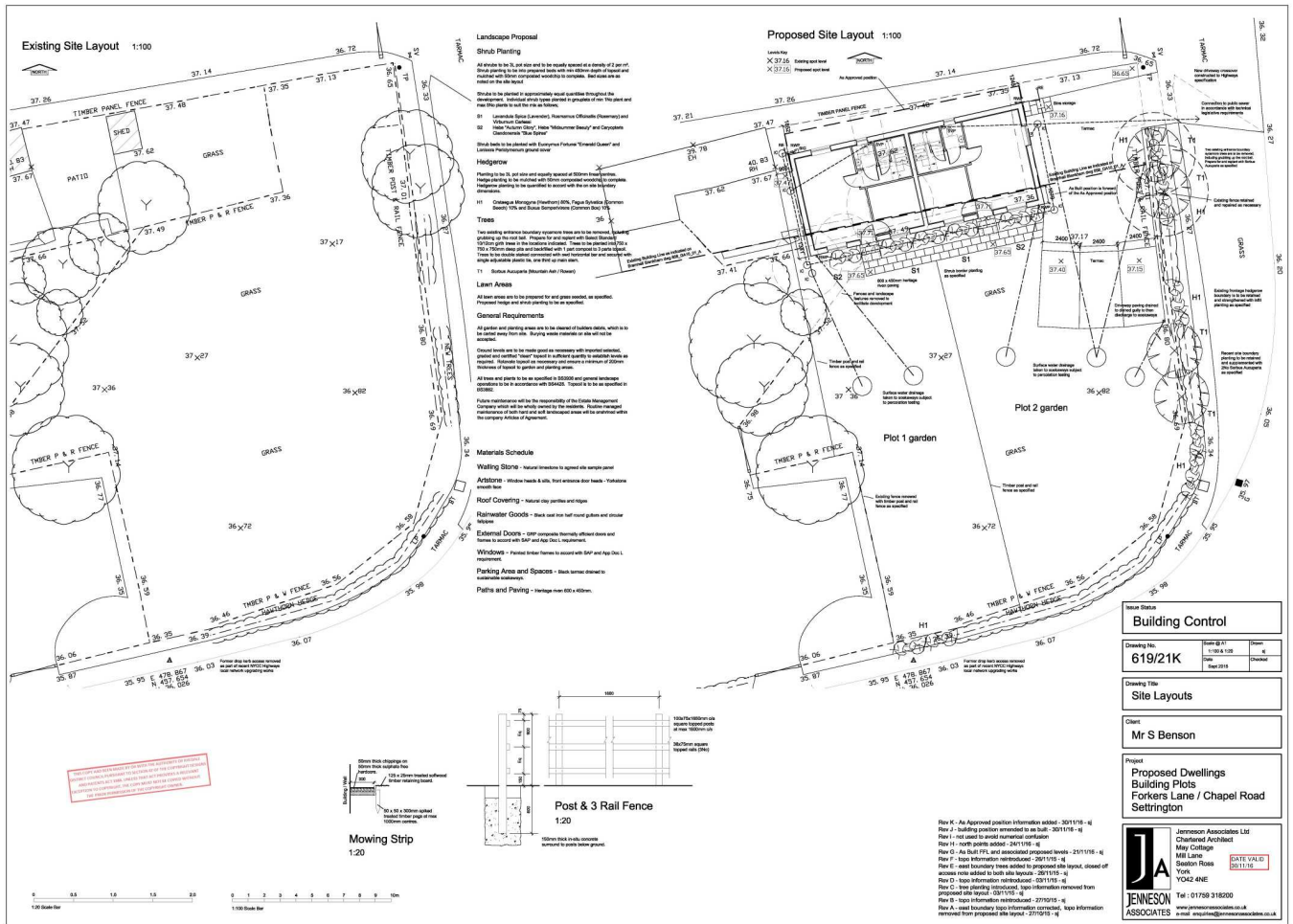
Corner Site Settrington

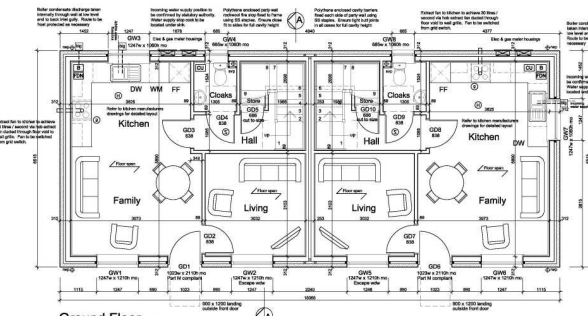
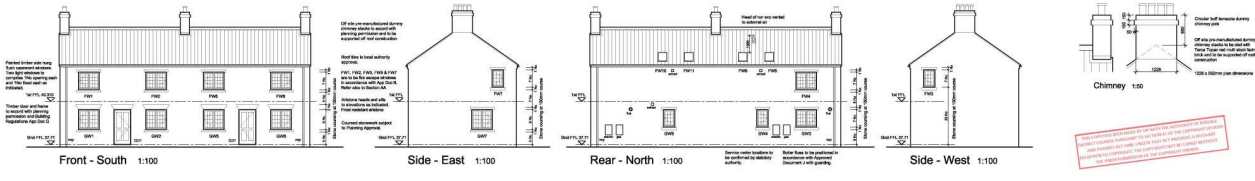
Birdsall Estate Company Ltd

Site Location Plan

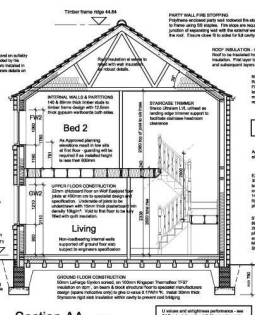
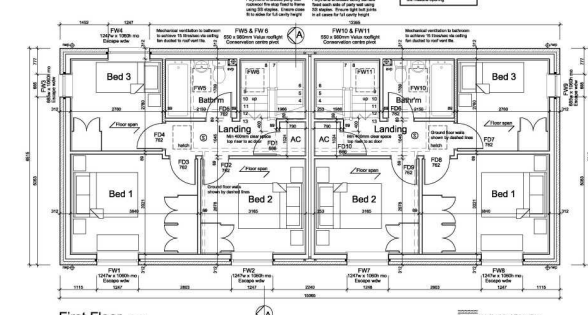
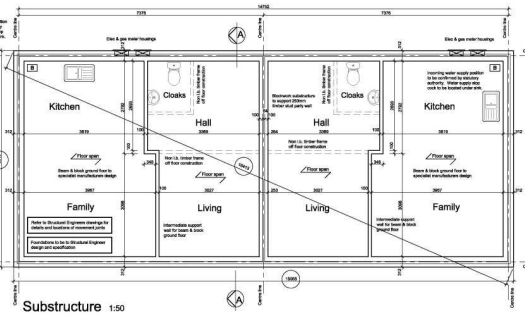
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RBJ 10.07.07	858	101	B
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- SYMBOLS KEY**
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Rev C - Elevation and wall location corrected 10/11/16 - g
 Rev B - All Bed 2's and window frame levels - 2/11/16 - g
 Rev A - DW2 & DW3 revised to escape windows, head
 dimensions added to kitchen, family room, ground
 floor, consumer unit being height revised, not dth and with App
 Dev C location added - 18/03/15 - g
 Rev A - all door and window spec amended, chimney
 detail corrected - 02/12/15 - g

Building Control

Drawing No. **619/20D** Date: 18/03/15
 Drawing Title: **House Type Design**
 Client: **Mr S Benson**
 Project: **Proposed Dwellings Building Plots Forkers Lane / Chapel Road Settrington**

Jenkinson Associates Ltd
 Chartered Architect
 Mill Lane
 Skelton Road
 York
 YO2 4NE

Tel: 01759 318200
 www.jenkinsonassociates.co.uk
 email: enquiries@jenkinsonassociates.co.uk

ROOF CONSTRUCTION
 Tiles to local authority approval on suitably sized battens as recommended by the manufacturer on Tyvek Supro installed in accordance with manufacturers details on specialist truss rafters.

Tyvek Supro to be supported on rafters in strict accordance with manufacturers specification, ensure 25mm droop between rafters and 150mm lap onto Tyvek eaves carrier.

Tyvek eaves carrier to lap with Tyvek Supro to provide support into gutter fixed in accordance with manufacturers details. Provide plywood support and fillets as appropriate.

Cast iron rainwater gutters to be supported on rise and fall brackets to downpipes.

Aristone heads and sills, as shown on elevations. Aristone to be frost resistant quality

WINDOWS - PLANNING PERMISSION
 Painted timber flush casement windows to Local Authority approval. Refer to elevations for opening lights. Hood mould is to top of frame only to prevent water ingress due to non-stormproof nature of conservation windows

Eaves Detail Wdw Head Detail

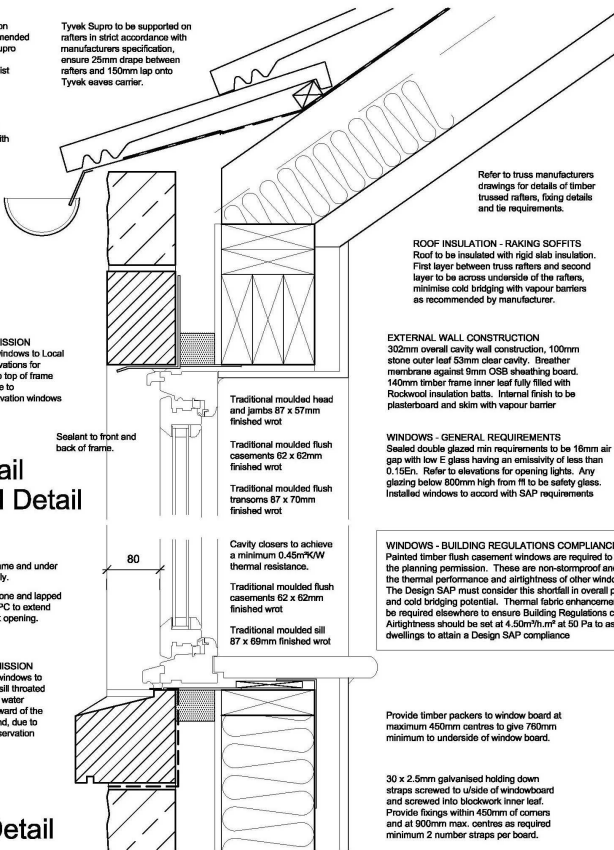
Sealant to front and back of frame.

Sealant to external frame and under window board internally.

Dress dpc under aristone and lapped into sill of window. DPC to extend minimum 150mm past opening.

WINDOWS - PLANNING PERMISSION
 Painted timber flush casement windows to Local Authority approval. Sub sill throated extension is required to prevent water ingress and ensure frame is forward of the aristone sill weather fillet upstand, due to the required setback of the conservation windows.

Wdw Sill Detail



Refer to truss manufacturers drawings for details of timber trussed rafters, fixing details and tie requirements.

ROOF INSULATION - RAKING SOFFITS
 Roof to be insulated with rigid slabs insulation. First layer between truss rafters and second layer to be across underside of the rafters, minimise cold bridging with vapour barriers as recommended by manufacturer.

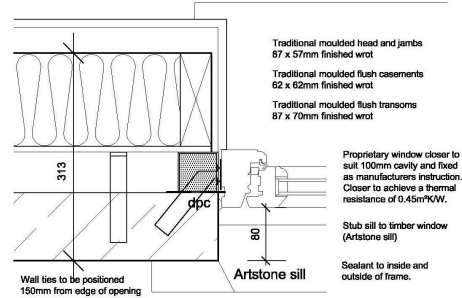
EXTERNAL WALL CONSTRUCTION
 302mm overall cavity wall construction, 100mm stone outer leaf 53mm clear cavity. Breather membrane against 9mm OSB sheathing board. 140mm timber frame inner leaf fully filled with Rockwool insulation batts. Internal finish to be plasterboard and skim with vapour barrier

WINDOWS - GENERAL REQUIREMENTS
 Sealed double glazed min requirements to be 16mm air gap with low E glass having an emissivity of less than 0.16E. Refer to elevations for opening lights. Any glazing below 800mm high from ft to be safety glass. Installed windows to accord with SAP requirements

WINDOWS - BUILDING REGULATIONS COMPLIANCE
 Painted timber flush casement windows are required to comply with the planning permission. These are non-stormproof and often lack the thermal performance and airtightness of other windows types. The Design SAP must consider this shortfall in overall performance and cold bridging potential. Thermal fabric enhancement is likely to be required elsewhere to ensure Building Regulations compliance. Airtightness should be set at 4.50m³/m² at 50 Pa to assist the dwellings to attain a Design SAP compliance

Provide timber packers to window board at maximum 450mm centres to give 760mm minimum to underside of window board.

30 x 2.5mm galvanised holding down straps screwed to outside of windowboard and screwed into blockwork inner leaf. Provide fixings within 450mm of corners and at 900mm max. centres as required minimum 2 number straps per board.



Wdw Jamb Detail

Traditional moulded head and jamb
 87 x 57mm finished wrot

Traditional moulded flush casements
 62 x 62mm finished wrot

Traditional moulded flush transoms
 87 x 70mm finished wrot

Proprietary window closer to suit 100mm cavity and fixed as manufacturers instruction. Closer to achieve a thermal resistance of 0.45m²/KW.

Stub sill to timber window (Aristone sill)

Sealant to inside and outside of frame.

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Rev B - amended to flush fitting casements to accord with planning authority requirements - 03/11/15 - jg
 Rev A - drawing file details corrected - 29/09/15 - jg

Issue Status	
Planning	
Drawing No.	Rev #
619/22B	1st
	2nd
	3rd
	4th
	5th
	6th
	7th
	8th
	9th
	10th
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	12th
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Client: Birdsall Estate Co Ltd

Project: Proposed Dwellings Building Plots Forkers Lane Settrington

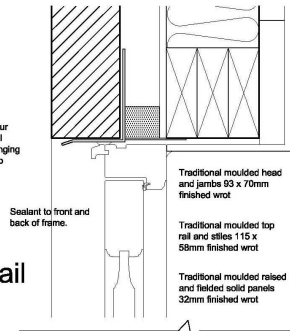
Jennison Associates Ltd
 Chartered Architect
 May Cottage
 Mill Lane
 Seaton Ross
 York
 YO42 4NE
 Tel: 01759 318200
 www.jennisonassociates.co.uk
 e-mail: enquiries@jennisonassociates.co.uk

DATE VALID 30/11/16

Aristone heads and sills, as shown on elevations. Aristone to be frost resistant quality

DOORS - PLANNING PERMISSION
Painted timber traditional raised and fielded four panel doors flush within timber frames to Local Authority approval. Refer to elevations for hanging handing. Hood mould is to top of frame only to prevent water ingress due to non-stormproof nature of frames

Door Head Detail



Sealant to front and back of frame.

Traditional moulded head and jamb 93 x 70mm finished wrot

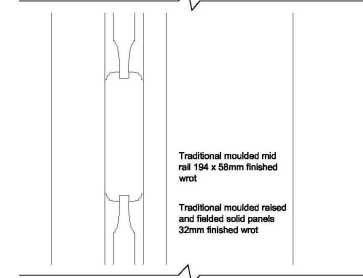
Traditional moulded top rail and sills 115 x 58mm finished wrot

Traditional moulded raised and fielded solid panels 32mm finished wrot

EXTERNAL DOORS - BUILDING REGULATIONS COMPLIANCE
Painted timber raised and fielded panel doors set flush within timber frames are required to comply with the planning permission. The Design SAP must consider this shortfall in overall thermal performance and cold bridging potential. Thermal fabric enhancement is likely to be required elsewhere to ensure Building Regulations compliance. Airtightness should be set at 4.50m³/m² at 50 Pa to assist the dwellings to attain a Design SAP compliance

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Mid Rail Detail

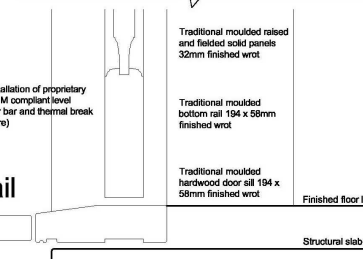


Traditional moulded mid rail 194 x 58mm finished wrot

Traditional moulded raised and fielded solid panels 32mm finished wrot

Threshold Detail

12mm gap for installation of proprietary manufacture Part M compliant level threshold weather bar and thermal break (detailed elsewhere)



Traditional moulded raised and fielded solid panels 32mm finished wrot

Traditional moulded bottom rail 194 x 58mm finished wrot

Traditional moulded hardwood door sill 194 x 58mm finished wrot

Finished floor level

Part M compliant external entrance landing paving and drainage channel (detailed elsewhere)

Structural slab level

Issue Status		
Planning		

Drawing No.	Scale @ A3	Sheet
619/23	1:1	6
Date	Rev	Checked
Nov 2015		

Drawing Title
External Door Details

Client
Birdsall Estate Co Ltd

Project
Proposed Dwellings Building Plots Forkers Lane Settrington

	Jennison Associates Ltd Chartered Architect Mey College Mill Lane Seaton Poles York YO42 4NE	DATE VALID 30/11/16
	Tel: 01759 316200	
	www.jennisonassociates.co.uk	
	e-mail: enquiries@jennisonassociates.co.uk	



CHAPEL ROAD STREETSCENE 1:100




FORKERS LANE STREETSCENE 1:100

Information Notes
 1. Fencing locations (hedges) are omitted to all drawings, clarity
 2. An approved dwelling position indicated by dashed outline

ADDITIONAL PLAN



Issue Title Planning		
Drawing No. 619/24	Issue # 1	Date 24-01-2024
Drawing Title Streetscene Elevations		
Client Mr S Benson		
Project Proposed Dwellings Building Plots Forkers Lane / Chapel Road Settrington		
 Jewneson Associates Ltd Chartered Architect May Cottage Mill Lane Seaton Ross York YO42 4NE Tel: 01759 318200 www.jewnesonassociates.co.uk email: enquiries@jewnesonassociates.co.uk		
DATE 17/01/24		

30 November 2016

Your ref: 16/01887/73A

Development Management
Ryedale District Council
Ryedale House
Malton
YO17 7HH

Dear Mr Housden,

VARIATION OF CONDITION 21 OF APPROVAL 12/00809/73A DATED 29.11.2012 TO STATE THAT THE APPROVED PLANS SHALL BE "619/21H SITE LAYOUT, 619/20D HOUSE TYPE DESIGN, 619/22B WINDOW DETAILS EAVES DETAILS AND 619/23 ADDITIONAL DOOR DETAILS" ON LAND AT CORNER OF CHAPEL ROAD AND FORKERS LANE SETTRINGTON MALTON NORTH YORKSHIRE

Following your advice in connection with the above proposal please find set out below an explanation as to the purpose of this application.

Increase in Height

As you know the Council's Enforcement Officer, Mr Tim Goodall, contacted the Applicant on 24 October 2016 by email. This email advised Mr Benson of the following:-

"Following complaints that the building was not being constructed in accordance with the approved plans, the site has been visited by Council officers. It was determined that the internal ground floor is higher than approved – there is a step up from ground floor to the front door that is not shown on the approved plans. As such the building is 0.2 metres – 0.3 metres higher than it should be.

In an attempt to remedy this breach of planning control, you should submit revised drawings to the Local Planning Authority for consideration. These plans should be a formal submission to vary condition 21 of planning permission 12/00809/73A."

Rather than relying upon anecdotal evidence that the "building is 0.2 metres – 0.3 metres" higher than it should, the Applicant undertook to have accurate levels taken of the development. A copy of the Timber Frame Construction Drawing has also been provided to the Architect and this has been utilised in the provision of Drawing Number 619/ 20D.

The Applicant has provided levels information as set out on Drawing Number 619/21H, which confirms that the Finished Floor Level of the dwelling as built is 37.71 AOD and the finished pathway level to the front entrances will be 37.65 AOD. The "as approved" drawing 619/21A provided for a Finished Floor Level of 37.31 AOD and finished pathway height of 37.25 AOD.

The following explanation sets out the circumstances that led up to the building being erected with a higher Finished Floor Level than the approved levels.

The approved FFL was low relative to the existing ground levels. There is a Building Regulation which states that the external wall DPC should be a minimum 150mm above

external ground level. So, a ground FFL of 37.31 would normally relate to external levels which are 37.16, or lower. An inspection of the topographic levels indicates this is not the case. There are external ground levels adjacent the neighbouring house which are 37.67 and 37.47. The proposed dwelling is set 1m to the east of these two levels.

There were considered to be three basic options to address this;

1. Locally reduce ground levels – which risks undermining the adjacent existing building and threatening its structural integrity;
2. Locally dig in against the existing building and along the north site boundary (until levels grade back sufficiently). This would involve localised retainment and tanking of the external wall; or
3. Raise the FFL which in the simplest option is $37.67 + 0.15 = 37.82$ FFL

With this in mind the Applicant decided upon an “all round compromise” of these three options:-

- FFL is 37.71 – which is 110mm lower than option 3 above; and
- The existing neighbouring levels are maintained with a sensible cross grade across the 1m separation gap of say 50 or 60mm will result in the external ground level against the new dwelling being set at approximately 37.56 to achieve the 150mm stepdown required by Building Regulations.

This is the Applicant's first new build development and, whilst ignorance is no excuse, he considered that he was doing the right thing by maintaining compliance with Building regulations and by the neighbours.

The above explanation accounts for 400 mm of the height increase. The addition 100 mm increase in height has resulted from the Timber Frame Construction. The Bramhall Blenkham approved design had a very minimal eaves zone above the window heads. This detail was replicated by Jenneson Associates for the Discharge of Condition Application in order to maintain the “as approved” external appearance. Jenneson Associates have now had sight of the plans for the timber frame design and have confirmed that it accords exactly with their technical design in respect of the ground and first floor head and sill heights, etc. It varies, however at the eaves detail, which, I am advised, has been “stiffened up” and as a consequence the whole roof construction is 100mm higher than the “as approved”. Timber beams within the timber frame run across the window heads to provide support for the roof trusses load which bear onto it. The “as approved” design provided insufficient structural height above the window head within the timber frame to bear the load associated with the roof construction and as a result the eaves detail has been modified.

Amended Siting

When we spoke on the 25th November you advised that complaints related not just to the height of the building but also that the building was in the wrong place and it had been suggested that the refused permission was being constructed. I would confirm that the refused scheme is not being constructed. The building being erected is that approved under reference 12/00809/73A and the Discharge of Conditions approval.

The Applicant was advised of the claims that the dwelling is in the wrong place and this morning I have been provided with accurate site measurements from the builder. These are confirmed as follows:-

**Drawing measurement from rear boundary is 1248mm, actual 1245mm, and 1811mm and actual 1852mm. The gable end measurement off the drawing is 1000mm actual is 965mm.*

These very small differences may have been caused by squaring the plot overall which is essential for a timber frame type construction."

Having checked the dimensions referred to on the approve drawing these are not actually taken from the rear boundary fence line, they were taken from the edge of the neighbour's driveway as it was seen as being the nearest permanent physical feature. This was an honest clerical error on the part of the Applicant and Builder; until you raised it with me last week I had taken these dimensions to be from the boundary as well. It was only upon closer inspection of the drawing and sight of a photograph showing scaffolding erected between the rear elevation and the boundary fence that I began to have doubts. Again, whilst ignorance is not defence, the Builder and Applicant would not have considered the siting to be wrong as to comply with Building Regulations the dwelling would have had to be sited at least a metre off the rear boundary due to the inclusion of windows in the rear elevation.

Perhaps the fact that the building is located further south than it should be would mitigate for the increase in overall height?

I have spoken with Architect this morning and he is in the process of amending the layout drawing to reflect the dimensions that we have been provided with. This will be sent on to you as soon as it is completed.

It is hoped that the above paragraphs provide you with sufficient explanation as to how the existing situation has occurred however should you have any queries in connection with the above please do not hesitate to contact me.

Yours sincerely

Melissa Madge
MRTPI, MA & Dip TP

Subject: 16/01887/73A Land at Corner of Chapel Road and Forkers Lane, Settrington
Attachments: Detailed Comments on New Build revised planning application.docx

From: Bruce Skinner
Sent: 19 December 2016 09:47
To: Development Management
Cc: Peter Smith Photography
Subject: Objection to Planning Application No. 16/01887/73A

Dear Sirs,

Re. Planning Application No. 16/01887/73A

Settrington Parish Council objects most strongly to this Application, which, by proposing that the as-partially-built height and position of the building are accepted, attempts to ride rough-shod over the conditions of the proposed and Approved, original Application.

The Parish Council approved the original Application (12/00809/73A) on the basis that, particularly with the development's prominent position in the village's Conservation Area, the building respected the principles of the Village Design Statement, especially with regard to maintaining the building line and height of its neighbouring row of vernacular properties, and, for instance, having traditional masonry, rather than 'dummy', chimneys.

Indeed, the subsequent alternative Application (15/00738/73A) was objected to, and not approved, because those principles were not met.

We are aware that a number of experience local builders had considered purchasing the site with its approved plans, but had however recognised the constraints inherent in the development and decided against it.

Given the date (September 2015) of the Jenneson Associates, 'Building Control' plans included in this latest Application, it appears that the current developer too had appreciated the demands of the site layout and the Approval conditions, and, un-announced, had produced a more convenient-to-build version of the plans, presumably assuming that a relaxed attitude would be taken in terms of compliance.

The Parish Council feels that, were this latest Application to be approved for the developer's convenience, it would make a mockery of Planning Approval, Control and Enforcement.

Given the magnitude and significance of this planning approval violation, the Parish Council also strongly objects to this Application's having been given 'Delegatable Decision' status.

In support of this Objection, **please find attached** the Parish Council's detailed comments on the Application.

In the event that this Application is discussed at Planning Committee, the Parish Council requests that its representative is invited to voice its Objection.

Yours faithfully,

Bruce Skinner
Parish Clerk pp Settrington Parish Council

Comments on planning application no. 16/01887/73A

Variation of Condition 21 for land at Chapel Road/Forkers Lane dated 30/11/16

1. The building being constructed, and that shown on applicant's architects' drawings, is higher than the building approved (12/00809/73A) by some 400mm, this is a critical dimension. The approved building matched the height of the adjacent Grade II listed cottages on Chapel Road. The plot of land sits within the Settrington Conservation Area and siting of buildings should blend sensitively into the area; this is stated in the Settrington Village Design statement and also the Francis Johnson report.
This application has a detrimental impact on the character of the Area. A previous application (15/00738/73A) was refused on grounds of scale, siting and details because it failed to preserve or enhance the character of the Conservation Area or preserve the setting of the listed buildings.
2. The building also has been brought forward of the building line by over 1.3m. This fails to respect the building lines of the adjacent listed buildings and thus has a detrimental impact on the Conservation Area for the reasons stated above.
3. The ground and first floor levels are some 400mm higher than the approved application, this indicates that the developer has failed to reduce the ground levels prior to commencing construction. The necessary change in ground level is shown on the approved plans (long front elevation drg 858-105-A.) The variation drawings submitted do not show the adjacent buildings which are critical.

Comments on the mmp planning justifications:

Increase in height:

The author suggests that the approved plans were not able to be constructed in accordance with the Building Regulations as drawn. It is considered that this may be an erroneous assertion; the architects may wish to respond to this criticism.

Para 1: It is suggested that actually lowering the ground levels would risk undermining the adjacent buildings. Has the applicant excavated any trial holes in order to confirm the foundation levels of the adjacent buildings? Also, it may be possible to avoid undermining the adjacent building by founding the building on a shallow, reinforced concrete raft. The nearest, adjacent wall is to an outbuilding/store, this could be underpinned, if necessary. Notwithstanding the above, the drainage details shown on the site layouts plans will undermine the adjacent building.

All of these issues are clearly covered in party wall legislation.

Para 2: *Locally digging in the building would entail retainment and tanking...* These are common construction requirements and the amount of digging-in of 400mm is not considered to be excessive.

Para 3: Raising the FFL - this should not even have been considered without an amended planning application.

It is not technically challenging to construct the building as shown on the approved application, although it is accepted that it is possibly a more expensive solution. The applicant appears to have tried to cut costs on the build by ignoring the important criteria of the approved Planning Application.

Again, it is suggested in the mmplanning document that there is some deficiency in the approved Bramhall Blenkharn approved design with respect to the roof eaves detail. This criticism is not warranted.

The applicant has chosen to use a timber frame construction presumably because it is a cheaper build method than traditional purlin and rafter roof.

It is not beyond the ability of a builder to replicate the details used in the adjacent cottages to give a corresponding shallow eaves detail.

Amended siting:

The building is constructed over 1.3m in front of the line of the adjacent buildings and the applicant's architect has even shown this line on his drawing. The front elevation of the approved scheme lines up with the front elevation of the adjacent cottages, the building being constructed obviously, and significantly, does not!

Dummy chimney:

The building should be constructed in materials suitable for this sensitive conservation area, a dummy chimney is not considered to be in keeping with the local vernacular.

It is felt that this application should be refused because it has a detrimental impact on the character of the Conservation Area, in that it fails to preserve or enhance the character of the conservation area or preserve the setting of the adjacent listed buildings.

Were RDC minded to approve this application then the previous applicant (15/00738/73A) may wish to lodge an appeal since his application was rejected on these very grounds.

Item Number: 7
Application No: 16/01658/OUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application
Applicant: Thomas Crown Associates
Proposal: Erection of 6no. three bedroom terraced dwellings (site area 0.21 ha)
Location: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Registration Date:
8/13 Wk Expiry Date: 8 December 2016
Overall Expiry Date: 28 November 2016
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Environmental Health Officer	Comments made and conditions recommended
Housing Services	Onsite provision details given
Land Use Planning	Recommend condition
Sustainable Places Team (Yorkshire Area)	No views received to date
Historic England	No comments to make
Countryside Officer	Recommend conditions
Flood Risk	As it not for major development no comments will be provided
Tree & Landscape Officer	Recommend condition
Property Management	No views received to date
Archaeology Section	No views received to date
Public Rights Of Way	Adjacent to PROW applicants to contact the County Council's Access and Public Rights of team
Highways North Yorkshire	Recommend conditions
Environmental Health Officer	Object
North Yorkshire Fire & Rescue Service	No objection/observations to make at this stage
Parish Council	Support - comments made

Neighbour responses: Brian Bancroft, Mrs Elizabeth Banks, M J Bowsher, Mr John Wright, Mike & Andrea Cooper, Mr John Barrett, Mr Paul Birchall, Mr & Mrs Anji & Malcolm Dowson, Helen Beaumont, Norma Collins, Mr James Holt, Mr Brian Bancroft, Mr Joe Coughlan, Holt Farms, Ravenswick Estate, David And Judith Tumbull, Miss Polly A Baldwin, Liz And Paul Banks,

SITE:

This site is located towards the northern end of Kirkbymoorside, and at the northern end of Manor Vale Lane. Manor Vale Lane runs through the application site and becomes a single track road which provides vehicular access to the Kirkbymoorside Golf Club (located further north of the application site).

The application site was previously used as North Yorkshire County Council offices associated with the Kirkbymoorside Area Highways depot operations. The site also comprises a former quarry. Various buildings and structures occupy the eastern part of the site which lies beneath a cliff face. These buildings consist of offices, stores and garaging, whilst to the north of the buildings is a hard-surfaced car park. At present that site is derelict, and with the exception of the roadway, it has security fencing around its inner sides.

To the west of the application site, are two community halls, one of which is used as a Scout Hut and the second of which is a Band Hall. The Band Hall has recently been granted planning permission to extend onto the site occupied by the Scout Hut to create a Concert Hall.

Residential development is located on top of the cliff to the west of the application site. To the east of the application site is further residential development. To the south, there are dwellings of varying styles located on Manor Vale Lane. These properties comprise the approach to the site from the town.

The site lies immediately within the development limit for the town but to the north of the Kirkbymoorside Conservation Area. The land immediately to the north is within the Area of High Landscape Value (Fringe of the North York Moors), and contains a designated Site of Importance for Nature Conservation and Ancient Woodland.

An area to the north-east and immediately adjacent but outside the application site is designated as an Scheduled Ancient Monument (Neville Castle)

PROPOSAL:

This is an Outline planning application which seeks outline planning permission for only the proposed Access, Layout, and Scale of the development. External Appearance and Landscaping are proposed to be Reserved Matters.

The proposal is for 6no. 3 bed dwellings, arranged as a pair of 3no. terraced dwellings. All of the dwellings are in the form of frontage development which runs along the eastern side of the roadway, with a central access to the Golf Club running through the application site.

The 6no. dwellings each measure 6.9m in width and 8m in depth and are 4.8m to the eaves and 8.3m to the ridge heights. As stated above, the external appearance of these proposed dwellings is not submitted for consideration at this stage.

The application is accompanied by the following reports:

- Planning Statement;
- Landscape and Visual Appraisal;
- Noise Assessment;
- Tree Survey;
- Asbestos Demolition Survey Report;
- Archaeology assessment;
- Contaminated Land Report - Phase 2 report;
- Drainage details;
- Flood Risk Assessment;
- Design & Access Statement; and
- Ecology surveys.

These reports are able to be viewed on the Council's website.

HISTORY:

Recent planning history includes:

2015: Planning application for residential development withdrawn.

2014: Planning application for B1 and B8 use- dismissed on appeal.

2014: Change of use of office to a dwelling refused – dismissed on appeal.

2014: Two planning applications for residential development withdrawn.

2013: Demolition Consent granted to demolish the redundant buildings on the site.

2008: Planning permission refused for residential development - dismissed on appeal. (**NOTE:** This was a larger site than is currently proposed)

POLICY:

National Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

Local Plan Strategy

Policy SP 1 - General Location of Development and Settlement Hierarchy

Policy SP 2 - Delivery and Distribution of New Housing

Policy SP 3 - Affordable Housing

Policy SP 4 - Type and Mix of New Housing

Policy SP 11 - Community Facilities and Services

Policy SP 12 - Heritage

Policy SP 13 - Landscapes

Policy SP 14 - Biodiversity

Policy SP 16 - Design

Policy SP 17 - Managing Air Quality, Land and Water Resources

Policy SP 19 - Presumption in favour of sustainable development

Policy SP 20 - Generic Development Management Issues

Policy SP 22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application are:-

- The principle of the proposed residential development on this site;
- The siting, scale and design of the proposed scheme;
- Whether the proposed dwellings will have a satisfactory level of residential amenity;
- The impact of the proposed development upon surrounding properties;
- Heritage impacts;
- Affordable housing provision;
- Ecology and protected species;
- Contaminated land and ground stability;
- Archaeology;
- Drainage;
- Flood risk;

- The impact upon trees;
- The impact of the proposal upon the landscape designated as an Area of High Landscape Value;
- Contamination and ground stability; and
- CIL.

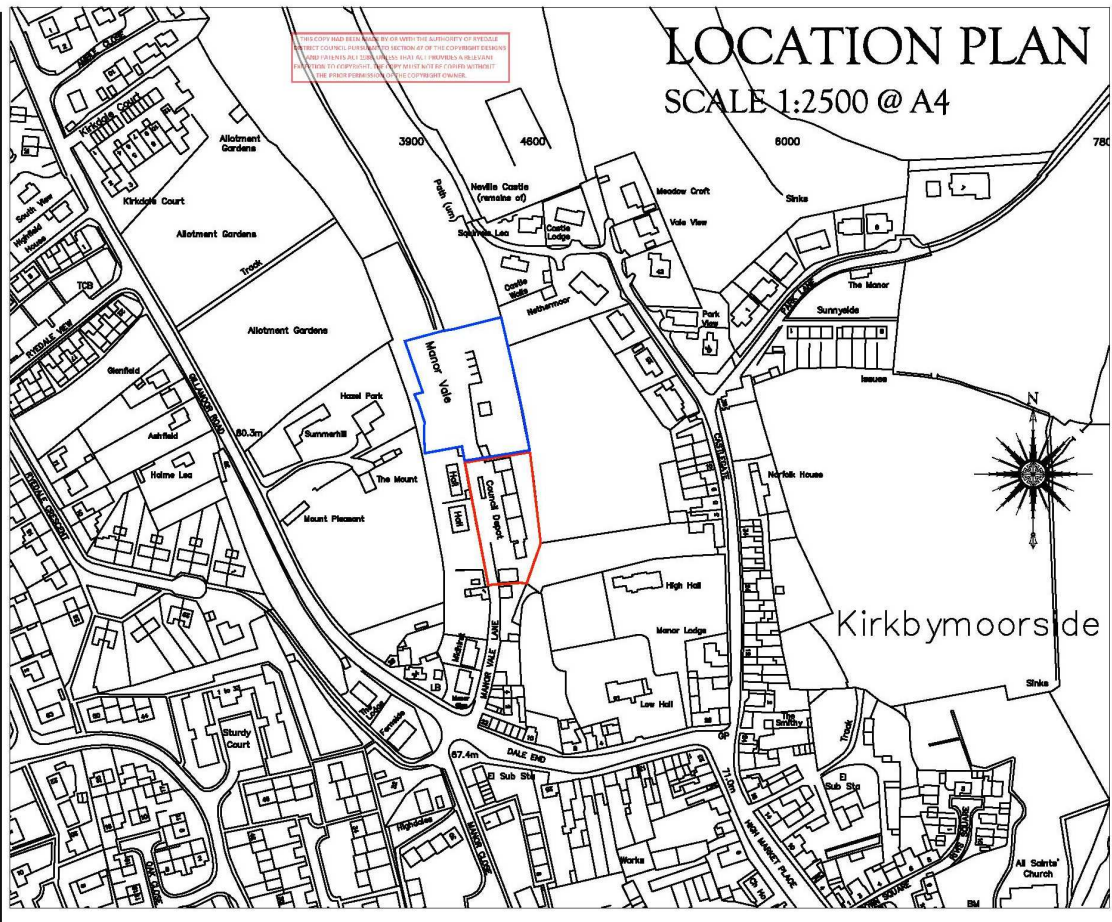
This application is currently under consideration by officers. There are unresolved issues relating to noise and the inter-relationship of the proposed residential use and the Band Hall; surface water flooding; and residential amenity concerns as a result of its location within this former quarry. Additional information from the agent is awaited. At this stage Officers are not in position to provide a fully considered report to enable Members to make a decision of this application. However, given the history to this site, the level of interest in the application, and its site specific issues, it is recommended that Members have the opportunity for a Committee Site Inspection prior to determining the application.

It is anticipated the application will be presented to the next available Planning Committee following the receipt and consideration of all of the outstanding information.

RECOMMENDATION: **Site Inspection**

Background Papers:

Adopted Ryedale Local Plan 2002
 Local Plan Strategy 2013
 National Planning Policy Framework
 Responses from consultees and interested parties



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LOCATION PLAN

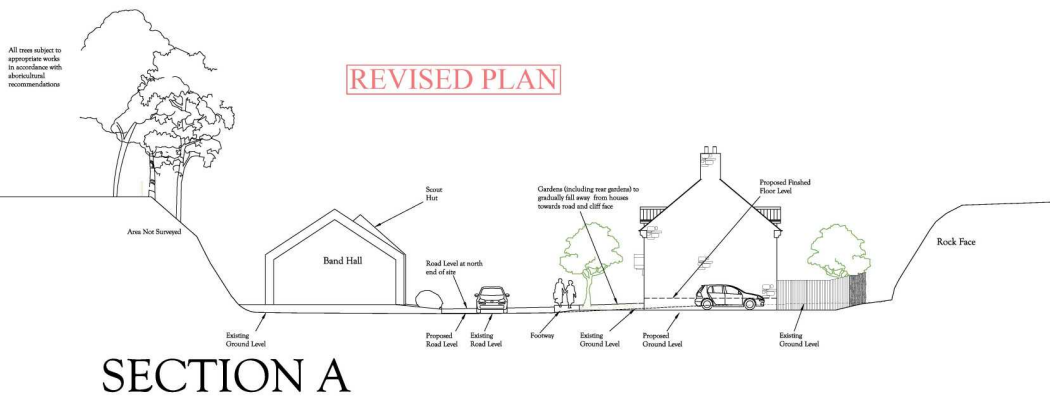
SCALE 1:2500 @ A4

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DATE VALID:
 13.10.2016

The Planning & Design Partnership
 The Chantry Barn Studios,
 The Old Brickyard, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO41 1JL.
 Telephone: 01759 325666 Fax: 01759 327610
 Email: info@pdp.co.uk
 Website: www.pdp.co.uk

Page:	Outline Application for Housing Development of Moor Vale Lane, Kirkbymoorside
Title:	Location Plan
Date:	August 2016
Scale:	1:2500 @ A4
Drawn by:	PAW
Check by:	KM / OCS / 11



SECTION A

THIS DRAWING HAS BEEN REVISED TO TAKE ACCOUNT OF THE COMMENTS MADE BY THE LOCAL AUTHORITY AND THE ARCHITECT HAS AGREED TO MAKE THE NECESSARY CHANGES TO THE DRAWING. THE CLIENT AGREES TO ACCEPT THE REVISED DRAWING AND TO BE RESPONSIBLE FOR ANY CHANGES TO THE ORIGINAL DRAWING.

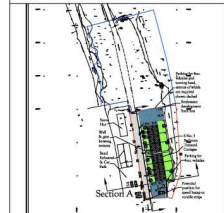


SECTION B

REVISIONS:
 To be used only in conjunction with the drawing for construction purposes. All drawings for construction and other documents shall be checked for accuracy. The drawing shall be checked for accuracy by the client before construction. The drawing shall be checked for accuracy by the client before construction. The drawing shall be checked for accuracy by the client before construction.

WARNING TO THE CLIENT:
 The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose.

THE DRAWING SHALL BE:
 The drawing shall be used for the intended purpose. The drawing shall be used for the intended purpose. The drawing shall be used for the intended purpose.



Rev E 19/12/2016 - Finished floor levels of dwellings raised to be minimum of 300mm above adjacent road level. Window and roof heights adjusted to suit.
 Rev D 28/09/2016 - Revised in accordance with recommendations in Flood Risk Assessment
 Rev C 25/08/2016 - Elevations revised to suit new layout
 Rev B 08/08/2016 - Elevations revised to suit new layout
 Rev A 28/07/2016 - Elevations revised to suit new layout

The Planning & Design Partnership
 PLANNING ARCHITECTURAL INTERIOR LANDSCAPE
 The Chicory Barn Studio,
 The Old Brickyards, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO81 1BU.
 Telephone 01759 373656 Fax 01759 371810
 E-mail: chicory.barn@the-pdp.co.uk
 website: www.the-pdp.co.uk

Client:	
Project:	Outline Application for Housing Development at Manor Vale Lane, Kirbymoorside
Drawing:	Street Elevations and Sections DATE 10/01/17
Date:	December 2015 Drawn: PAN
Scale:	1:100 @ A1 Rec: E
Taxon:	PLANNING
Drawn by:	KW/_093/03/14

Agenda Item 8

Item Number: 8
Application No: 16/01775/FUL
Parish: Nawton Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs P De Lacey
Proposal: Change of use of agricultural buildings and land to form camping site to include reception, office, farm shop, bike storage and the siting of 14no. timber holiday cabins together with formation of 16no. car parking spaces
Location: Land East Of Longwood Farm Highfield Lane Nawton Helmsley

Registration Date:
8/13 Wk Expiry Date: 14 March 2017
Overall Expiry Date: 21 February 2017
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Public Rights Of Way	No views received to date
Caravan (Housing)	No views received to date
Sustainable Places Team (Yorkshire Area)	No objection - comments made
Parish Council	Concerns relating to increased traffic
Highways North Yorkshire	Recommend conditions

Neighbour responses: Mr Jed Dargan, Peter & Margaret Ives, K Nicholson & M Wray, J Renney & Paul Harris, Ms Paula Battersby, Mrs Ruth Gordon,

INTRODUCTION:

The above application was validated on 17th January 2017 and seeks the change of use of agricultural buildings and land to form camping site to include reception, office, farm shop, bike storage and the siting of 14no. timber holiday cabins together with formation of 16no. car parking spaces

The site is located outside of the main village of Nawton, approximately 1.3 kilometres to the north of the main settlement within the Fringe of the Moors Area of High Landscape Value. It is accessed via Highfield Lane, which is mainly a single-vehicle width road.

There are sensitivities associated with the location of the site and the development proposed. Furthermore, the application has so far resulted in 6 letters of representations and objections. The Parish Council also have expressed concerns relating to the increased traffic using Highfield Lane. However, the Local Highway Authority have raised no objection to the proposal and have suggested that there is a section in a bend in the road (Highfield Lane) close to the site entrance that should be provided with a passing place.

At this stage, it is not possible to fully appraise the proposal and to make a final recommendation to Members.

It is anticipated that a full report will be brought before Members at Planning Committee on 11th April. However the application has been brought to this Committee Meeting to enable Members to consider whether they wish to carry out a site visit in advance of the next meeting.

RECOMMENDATION: **Site Inspection**

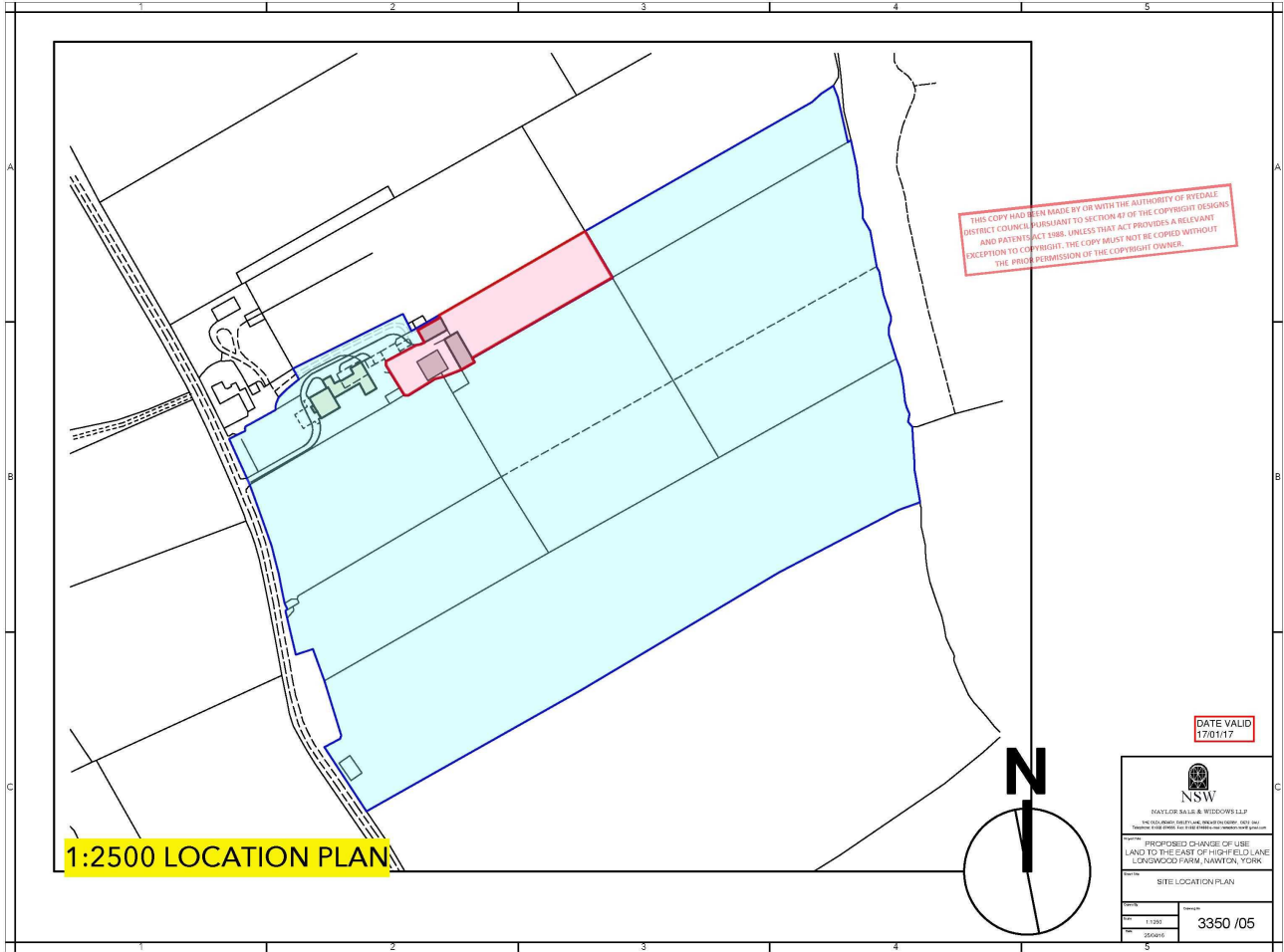
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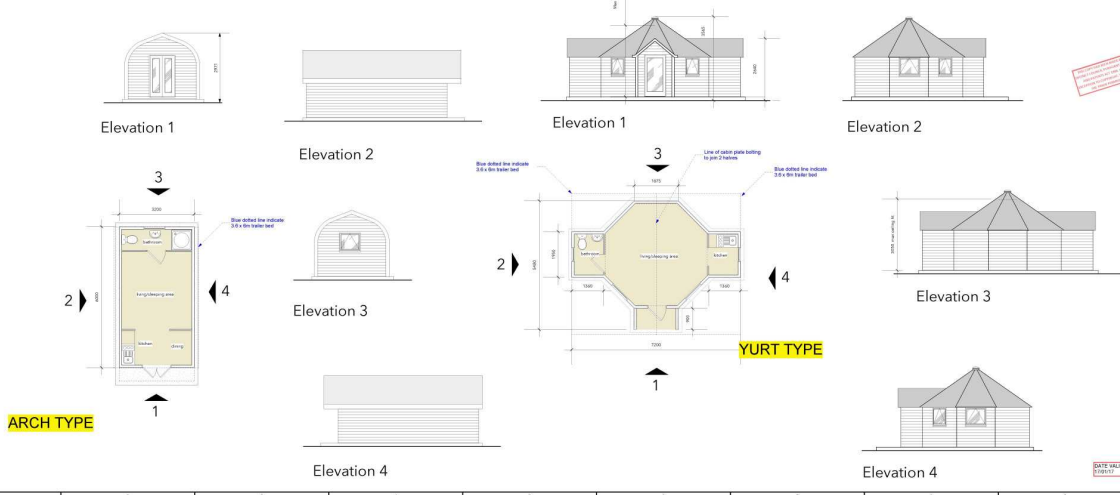
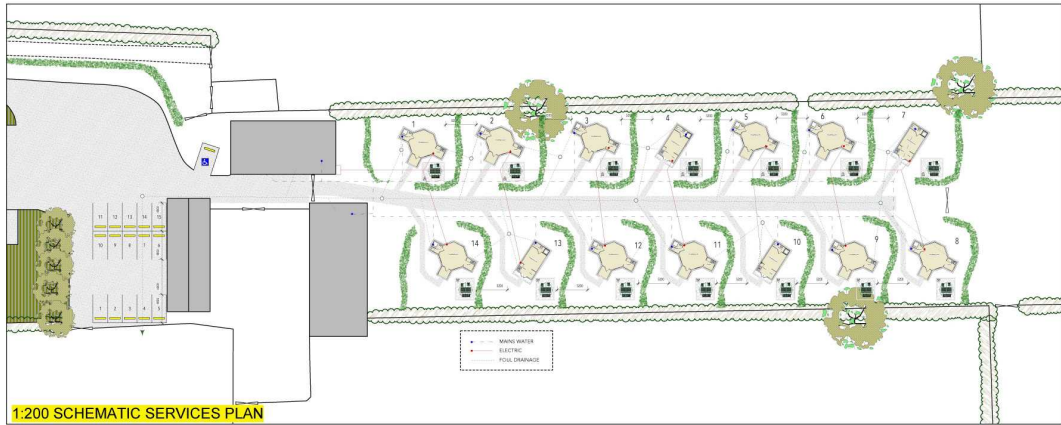
Adopted Ryedale Local Plan 2002

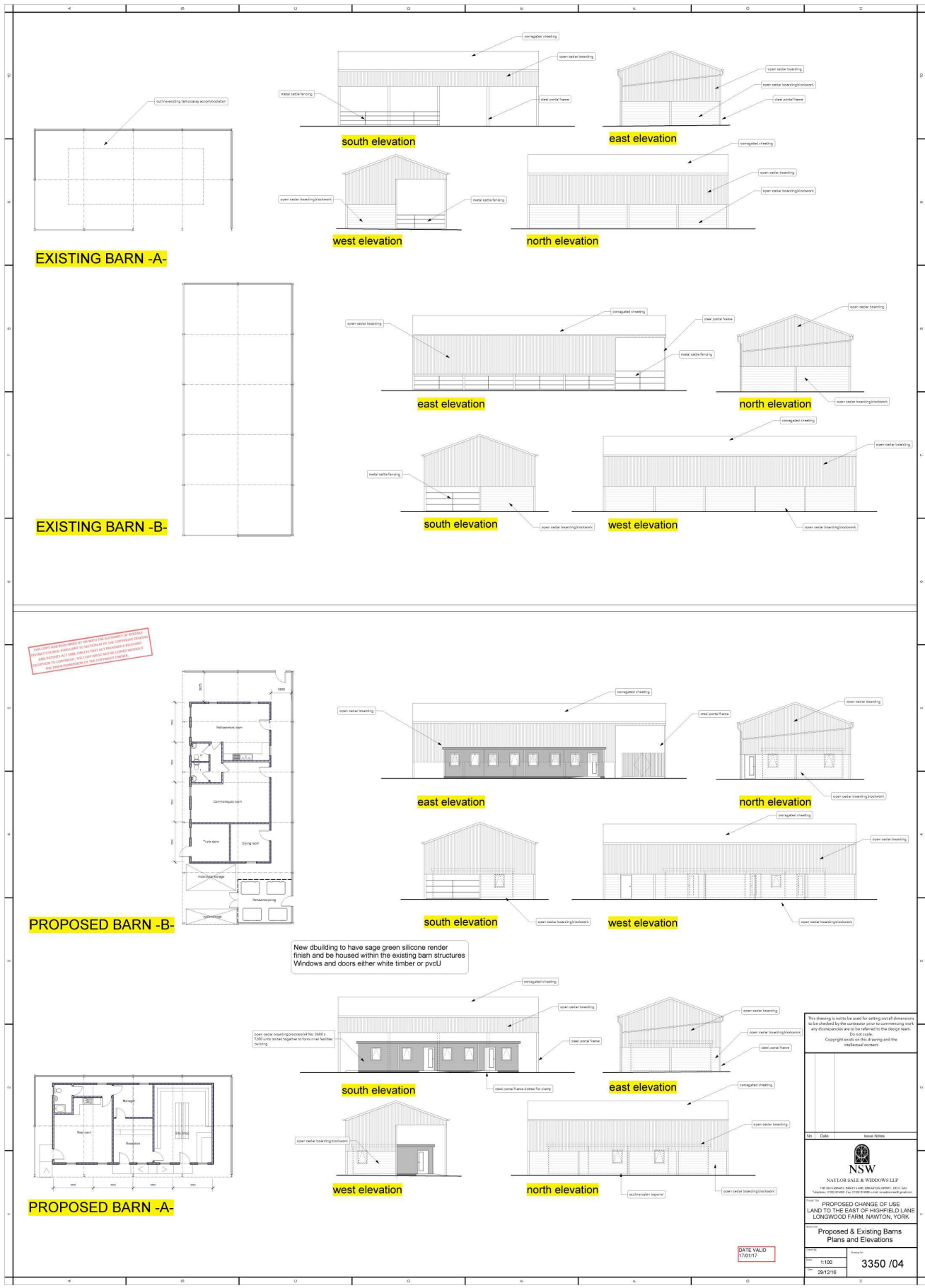
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties







Agenda Item 9

Item Number: 9
Application No: 16/01947/MFUL
Parish: Thornton-le-Dale Parish Council
Appn. Type: Full Application Major
Applicant: Mr Daniel Warrington
Proposal: Erection of 9no. four bedroom dwellings, 13no. three bedroom dwellings and 4no. two bedroom dwellings with associated garaging, parking, amenity areas and formation of vehicular access to include demolition of existing dwelling and buildings
Location: Easthill Wilton Road Thornton-Le-Dale Pickering North Yorkshire YO18 7QP
Registration Date:
8/13 Wk Expiry Date: 15 March 2017
Overall Expiry Date: 3 March 2017
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions and comments made
North Yorkshire Police Architectural Liaison Officer	Comments made and recommends planning condition
Lead Local Flood Authority	Requires further information
Environmental Health Officer	No comments to date
Tree & Landscape Officer	Comments and recommendations made
Vale Of Pickering Internal Drainage Boards	No objection - comments made
Countryside Officer	Comments made
Land Use Planning	Recommend conditions
NYM National Parks	Object
Parish Council	No objection
NYM National Parks	Object
Building Control	No comments to date

Neighbour responses: Mrs Diane Stenton, Mr David Bingham, The Occupier, Cllr Geoffrey Acomb, Robin & Sue Buckler,

INTRODUCTION:

This Major application is for the erection of 26no. dwellings on the eastern periphery of the village of Thornton-le-Dale. The application is the subject of ongoing discussions with officers and a final recommendation cannot be made at this point in proceedings.

The LPA has received a number of comments from consultees and from third parties, some of which are supporting the application and others which are objecting on a variety of grounds. In order to assist Members in making a final decision, it is recommended that the Planning Committee carry out a Site Inspection in order to see the site in its context and more fully understand the points raised.

It is anticipated that this application will be presented to Committee with a full report on the 11th April 2017.

RECOMMENDATION: **Site Inspection**



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W&W Estates (Thornton) Limited Easthill Farm House Wilton Road Thornton le Dale YO18 7QP	
location plan	
andrew fletcher <small>architect</small> Architectural Design Consultant	<ul style="list-style-type: none"> ● ● ● ● ● ● ● ●
147 design limited Packhorse House 51 High Street, Stokesley TS8 5AD T: 01642 713300 147design@btisales.co.uk	
SCALE: 1/1250@A3	DRAWING: 1643/1

DATE VALID
14/12/16

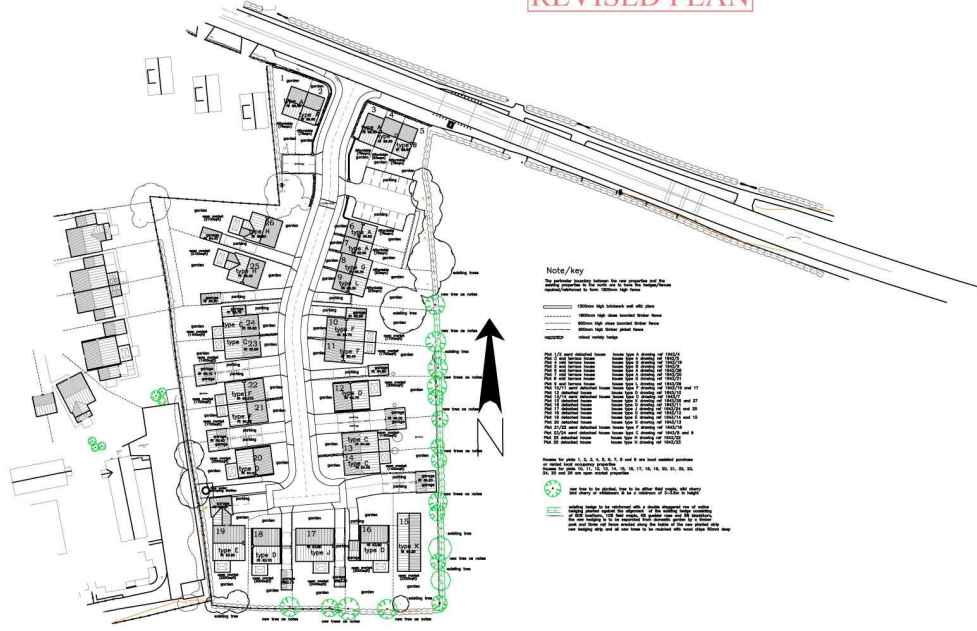


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REVISED PLAN



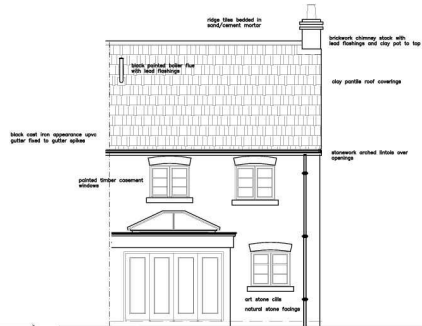
Notes/Key
 The following materials should be used throughout the site:
 - 100mm High kerbs and all joints
 - 100mm High stone kerbs
 - 100mm High stone kerbs
 - 100mm High stone kerbs
 - 100mm High stone kerbs

NO	DESCRIPTION	DATE	BY
001	Issue for Planning	15/03/17	AD
002	Issue for Building Control	15/03/17	AD
003	Issue for Construction	15/03/17	AD
004	Issue for Final Approval	15/03/17	AD
005	Issue for Final Approval	15/03/17	AD
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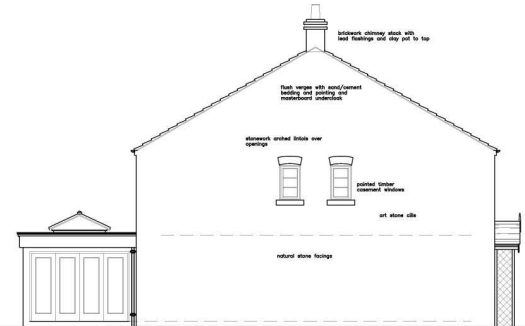
Thornton le Dale

W & W Estates (Thornton Dale) Limited Easthill Farm, Wilton Road Thornton le Dale North Yorkshire YO18 7QP	
Proposed site layout	
andrew Fletcher Architectural Design Consultant	DATE 01/02/17
147 design limited Parkhouse House, 31 High Street, Golewedy, W89 5AD. T: 01452 713300 147design@147design.co.uk	SCALE 1:500 @A1 DRAWING NO 1643/3F

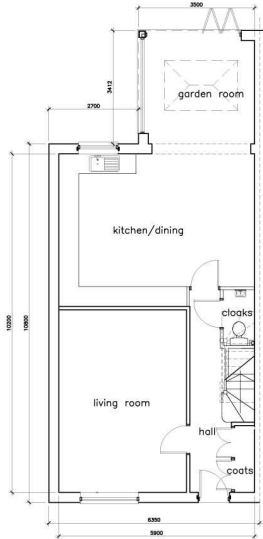
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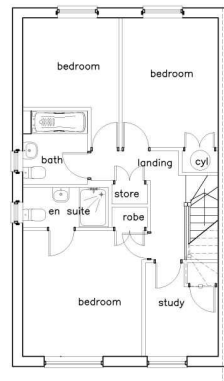
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

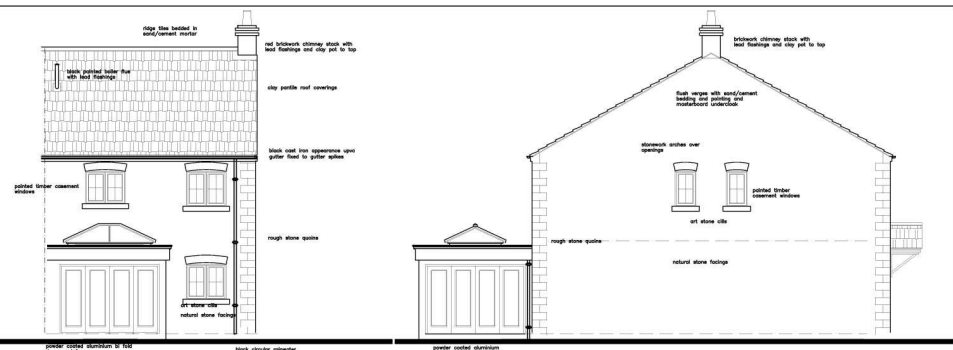


Approach Elevation

Note
All window and door frames to external walls to be set in mass masonry of 220mm.

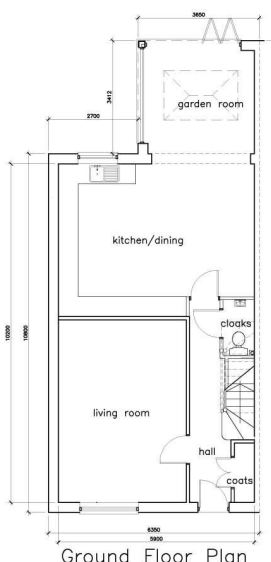
W&W Estates (Thornton Dale) Limited	
Easthill House	
Wilton Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type C (plot 13, 14)	
andrew hetcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Backhouse House	31 High Street, Stranraer, TD9 5AD
T: 01842 713302	147design@btinternet.com
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	REVISION: 1643/7

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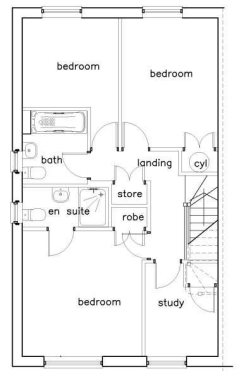


Rear Elevation

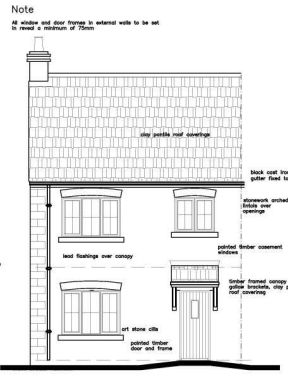
Side Elevation



Ground Floor Plan



First Floor Plan



Approach Elevation

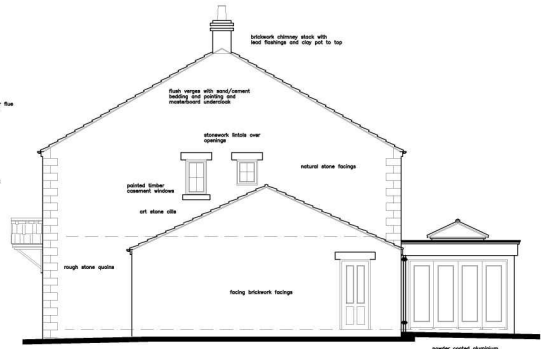
Note
 All window and door frames to be set in reveal a minimum of 25mm

W&W Estates (Thornton Dale) Limited	
Easthill House	
Wilton Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type C (plot 23)	
andrew bletcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Packhorse House	
31 High Street, Strimley, YO29 5AD	
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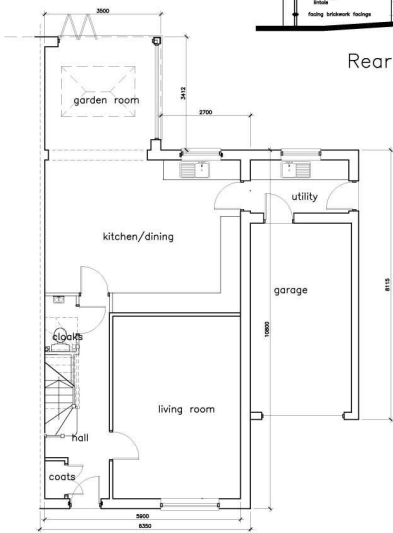


Rear Elevation

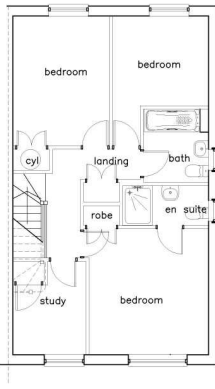


Side Elevation

Note
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Ground Floor Plan

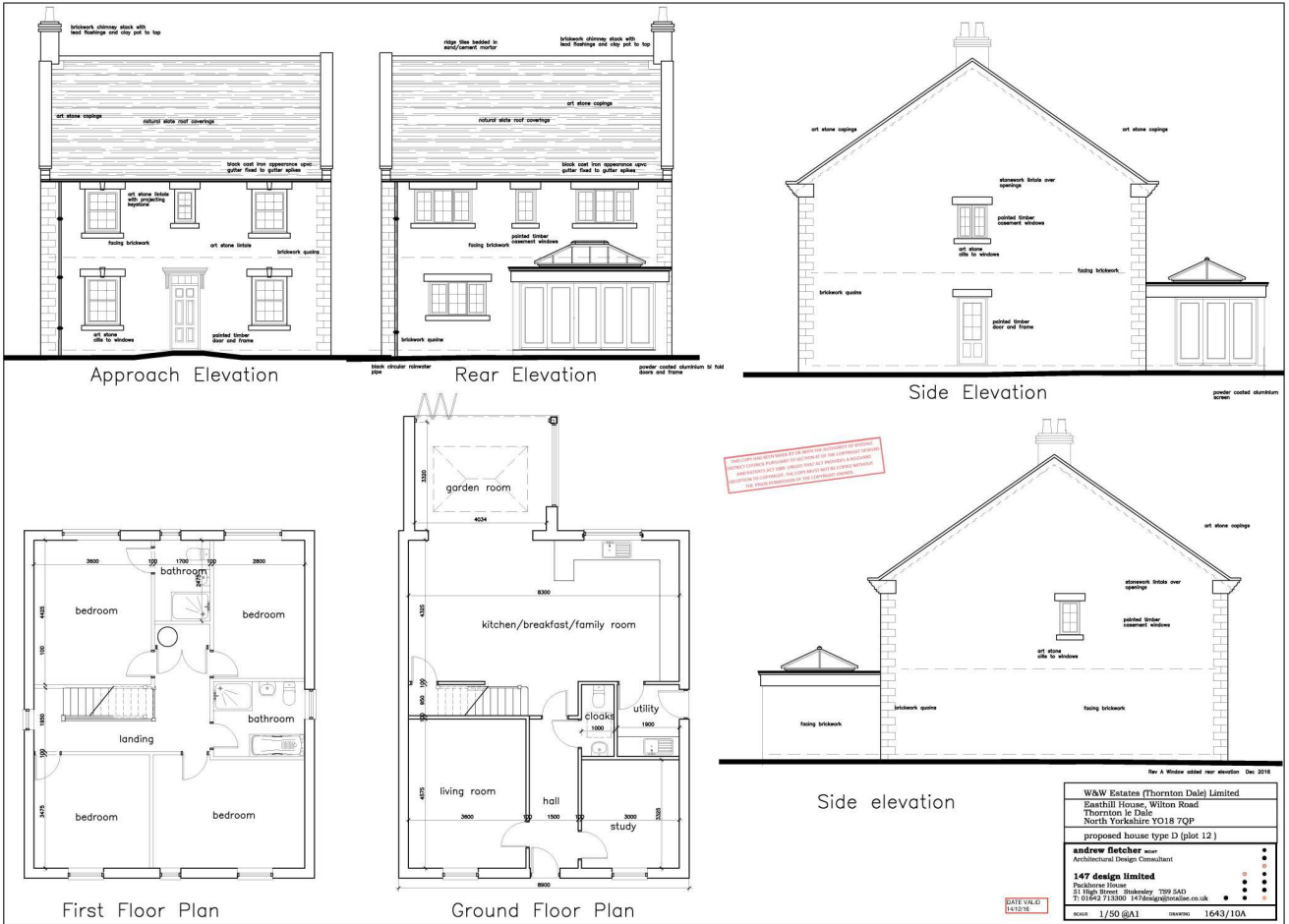


First Floor Plan



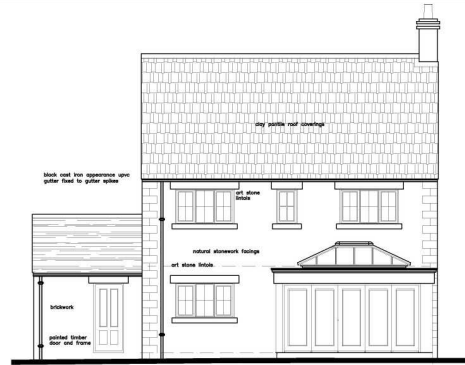
Approach Elevation

W&W Estates (Thornton Dale) Limited	
Easthill House	
Wilton Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type C (plot 24)	
andrew bletcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Packhorse House	
31 High Street, Strickley, YO9 5AD	
T: 01842 713302 F: 01842 713301 E: info@147design.co.uk	
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REVISION	1643/9

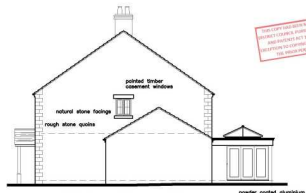




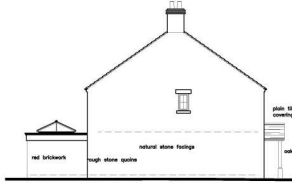
Approach Elevation



Rear Elevation

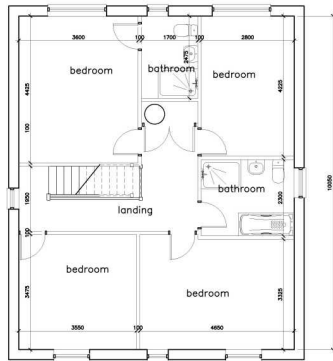


Side Elevation

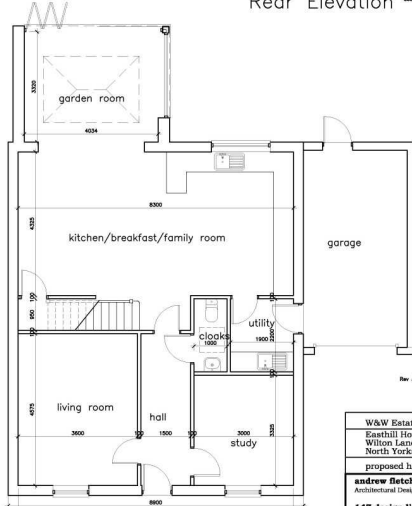


Side Elevation

NOTE: ALL WORK SHOULD BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL WORK SHOULD BE DONE TO THE SATISFACTION OF THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.



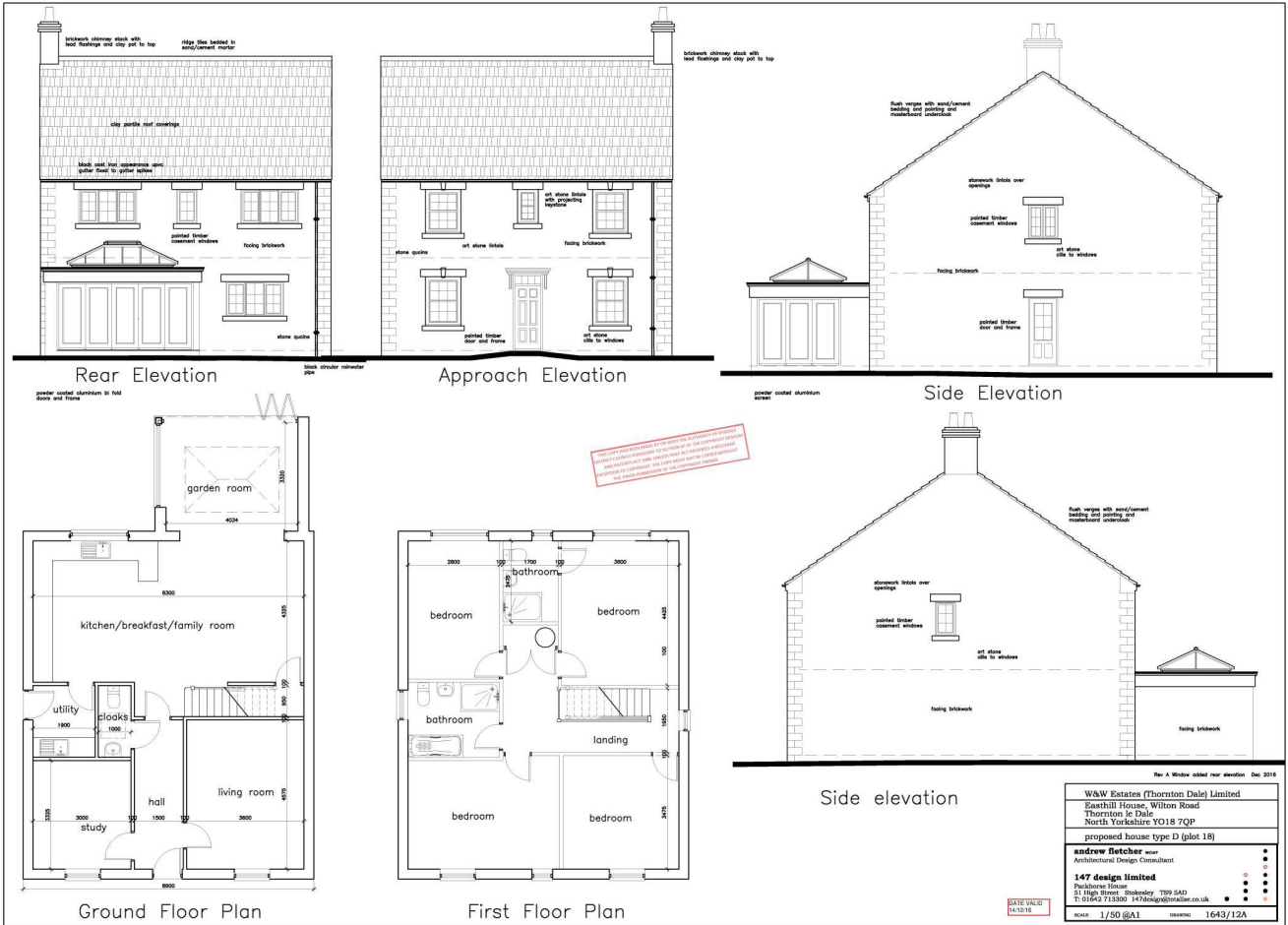
First Floor Plan

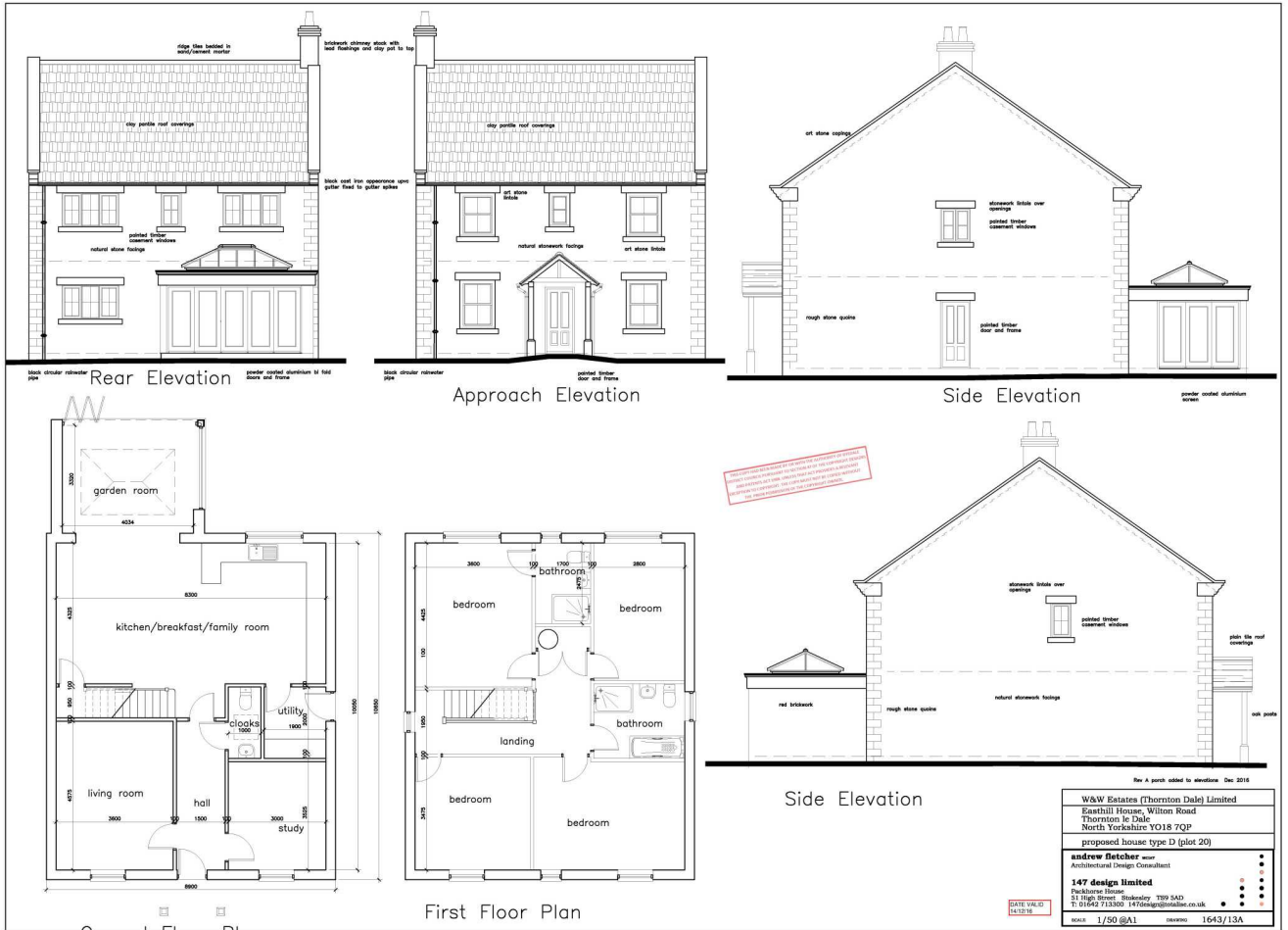


Ground Floor Plan

Rev A porch added to elevations Dec 2016

W&W Estates (Thornton Dale) Limited	
Eneathill House	
Wilson Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type D (plot 16)	
andrew detcher	DATE VALID
Architectural Design Consultant	15/12/16
147 design limited	
Parkhouse House,	
31 High Street, Spinkley, YO20 9AD	
T: 01462 713300 147design@btinternet.co.uk	
scale 1/50, 1/100 @A1	drawing 1643/11A







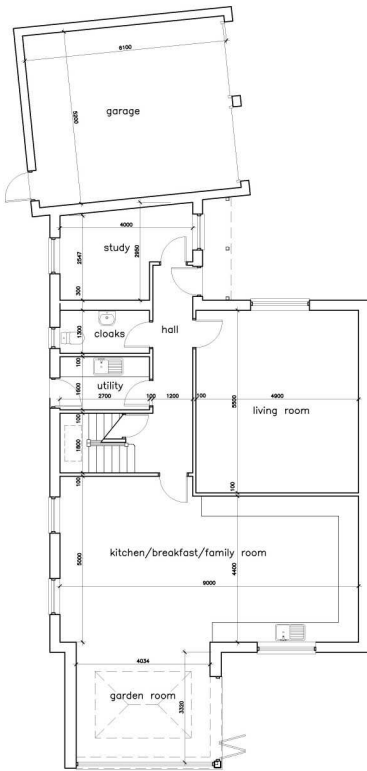
Rear Elevation

Side Elevation

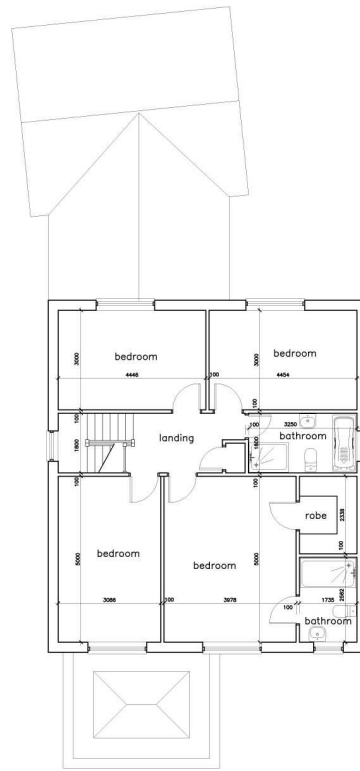
Side Elevation

Front Elevation

W&W Estates (Thornton Dale) Limited	
Easethill Farm, Wilton Road	
Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type E (plot 19)	
andrew Betcher <small>arch</small>	•
Architectural Design Consultant	•
147 design limited	•
Parkhouse House,	•
31 High Street, Spinkesley, YO20 5AD,	•
T: 01662 713300 147design@btinternet.co.uk	•
SCALE 1/50 @A1	DRAWING 1643/15



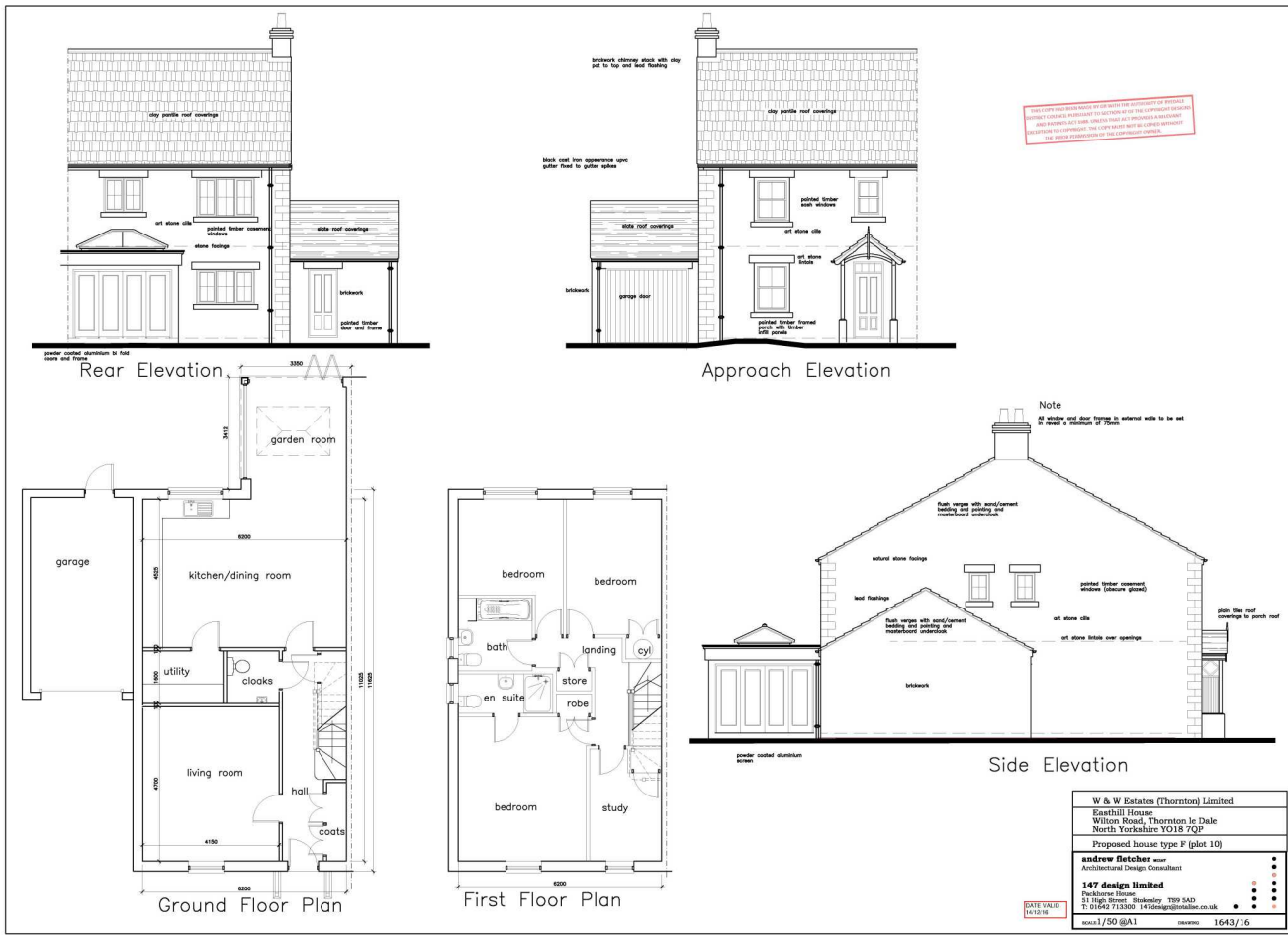
Ground Floor Plan

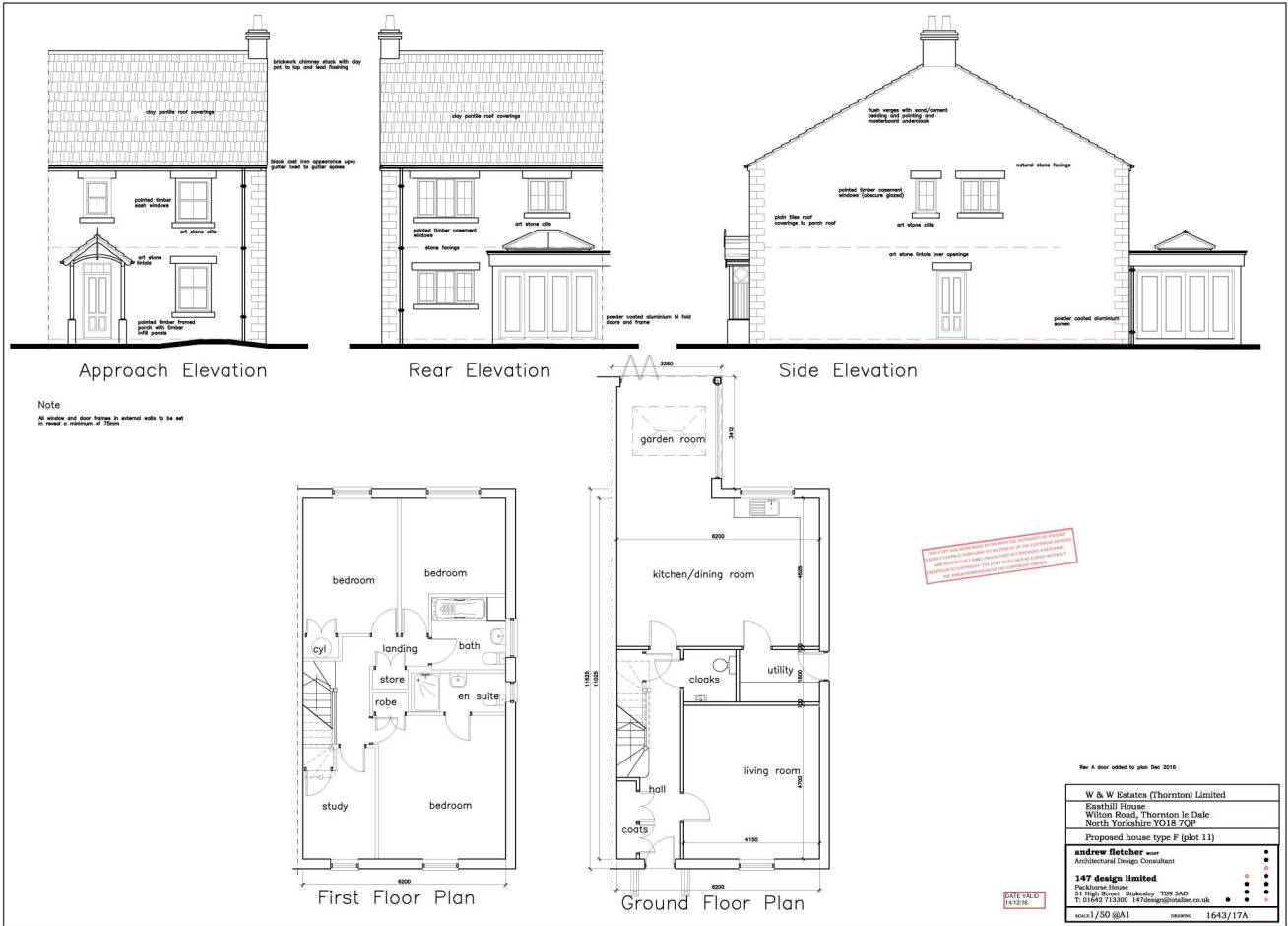


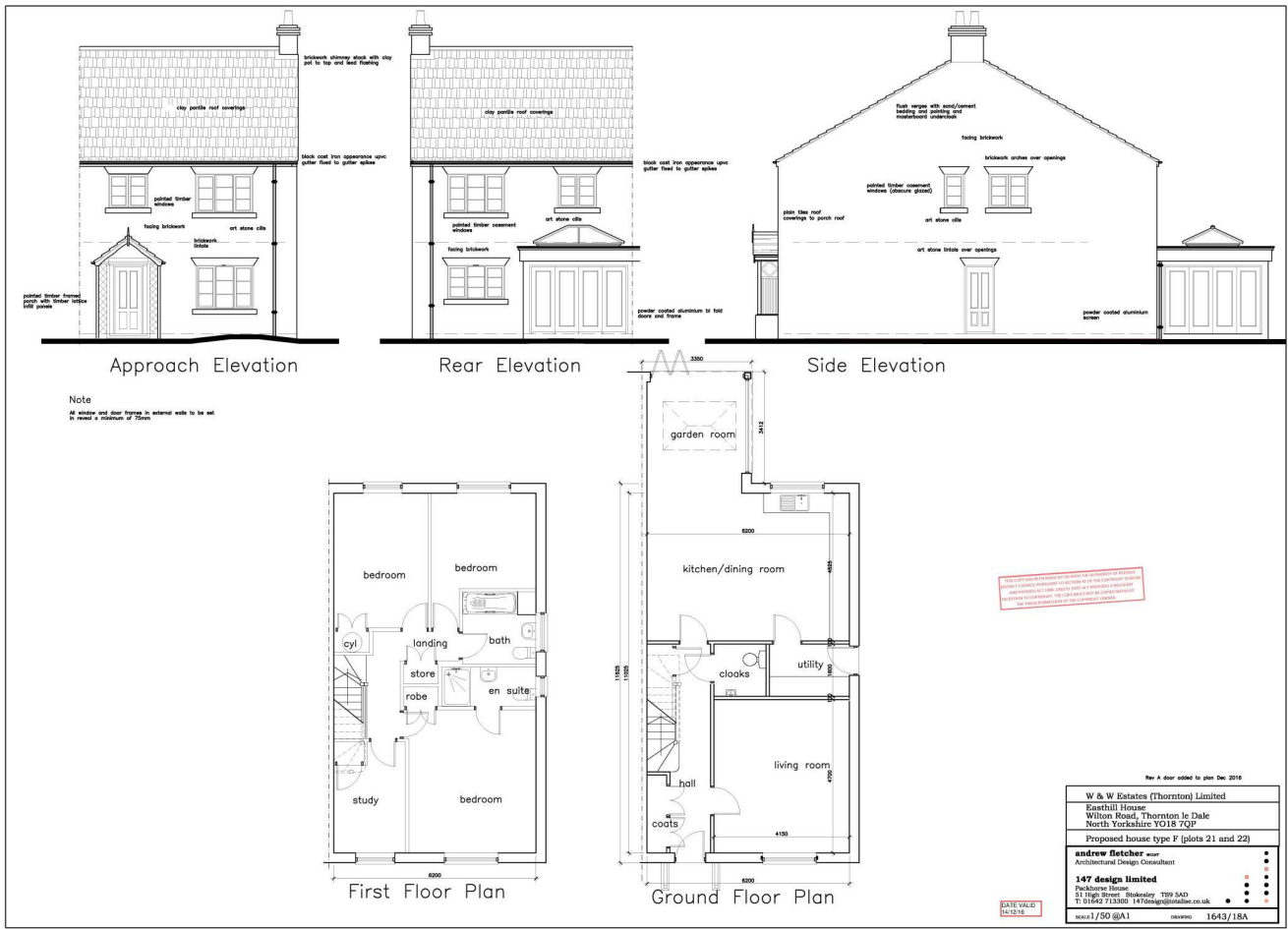
First Floor Plan

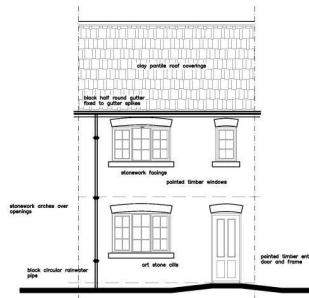
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W&W Estates (Thornton Dale) Limited	
Easethill Farm	
Wilson Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type E (plot 19)	
andrew Betcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Parkhouse House,	
31 High Street, Golebrosby, YO20 5AD.	
T: 01462 713300 147design@btinternet.co.uk	
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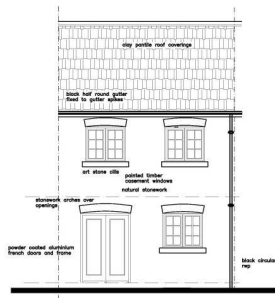








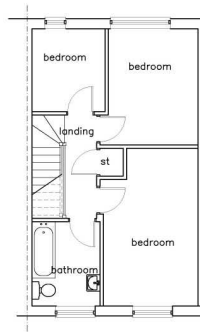
Approach Elevation



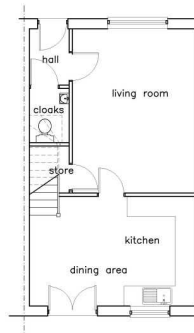
Rear elevation

Note
 All window and door frames to external walls to be set
 in reveal a maximum of 75mm.

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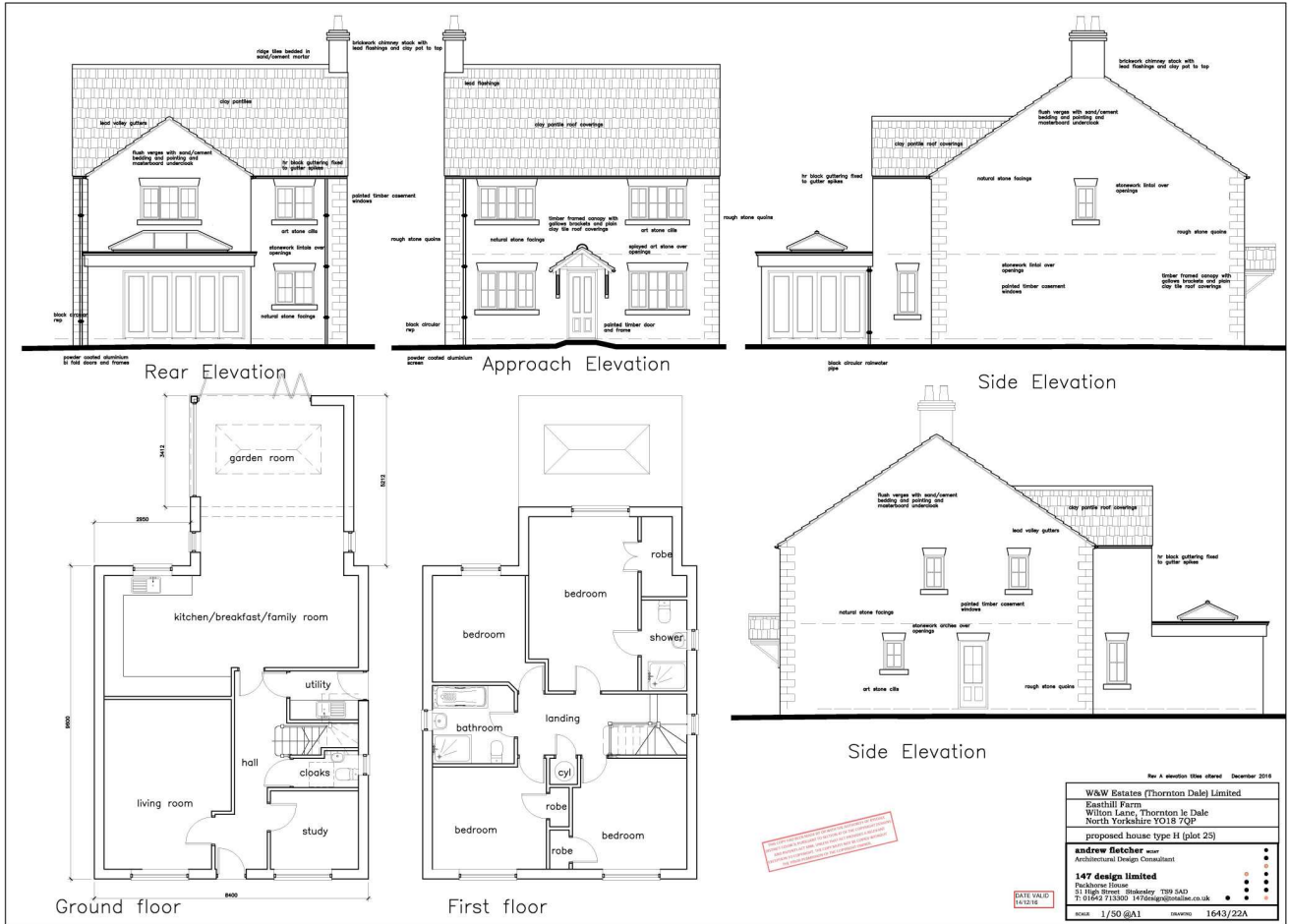


First Floor Plan



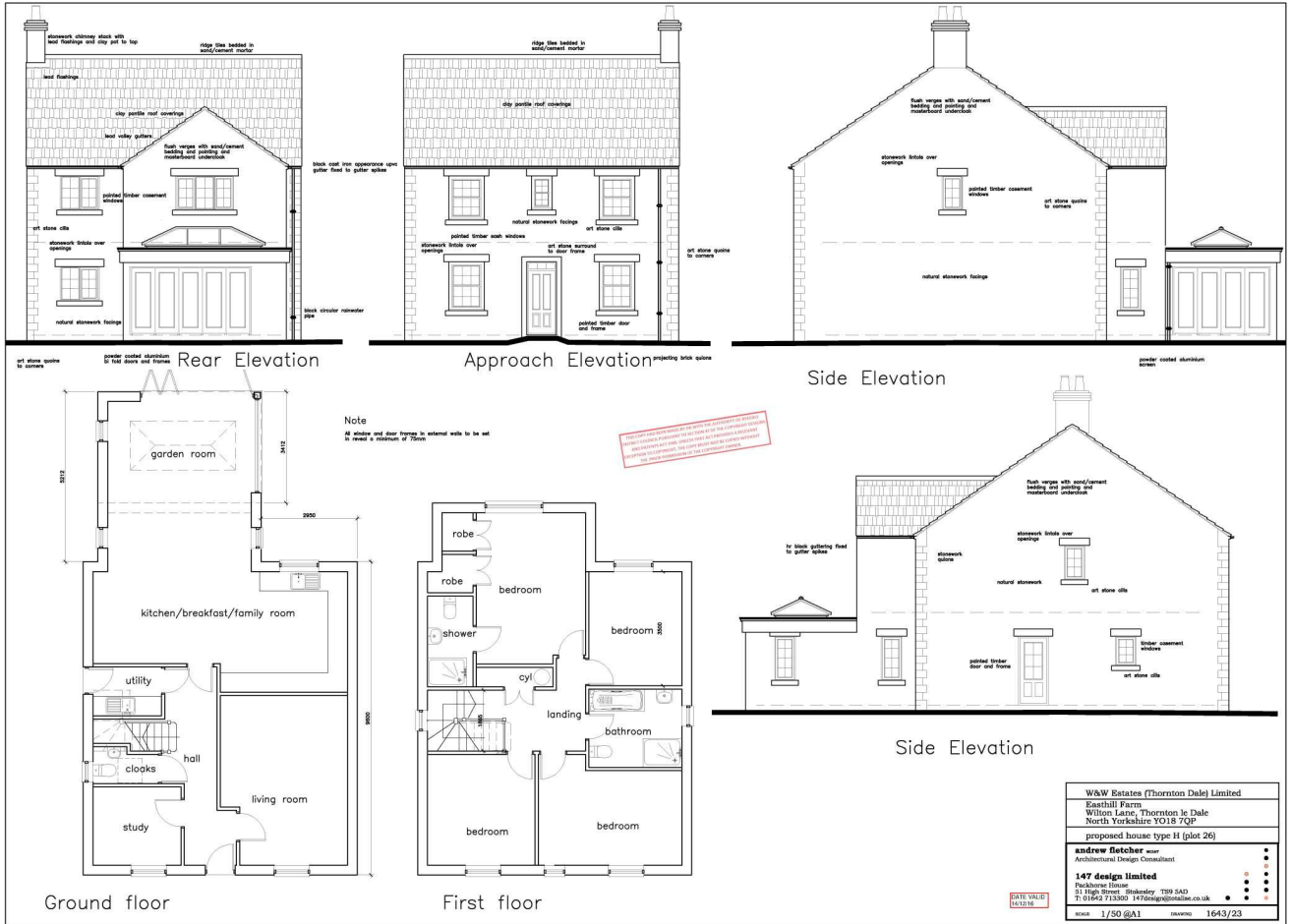
Ground Floor Plan

W & W Estates (Thornton) Limited	
Easthill House Wilton Road, Thornton le Dale North Yorkshire YO18 7QP	
proposed house type G (plot 7)	
Andrew Fletcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Buckthorn House 31 High Street, Strimley, YO9 5AD T: 01842 713300 147design@btinternet.com	
DATE VALID 14/10/18	SCALE 1/50 @A1

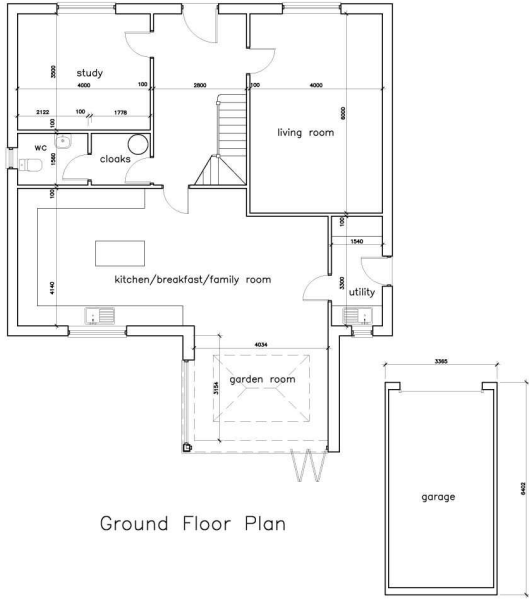


Rev A elevation files altered December 2016

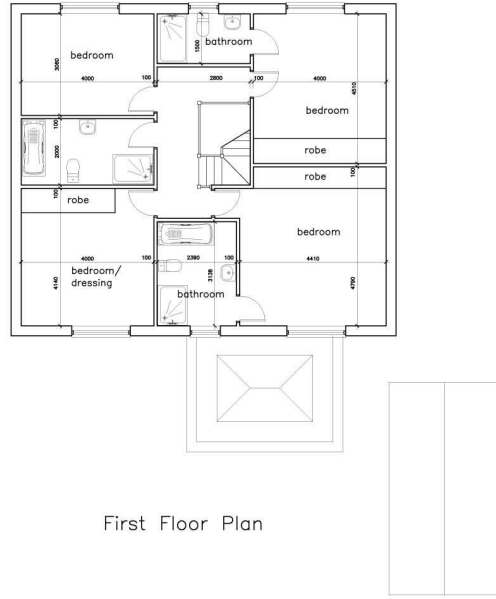
W&W Estates (Thornton Dale) Limited	
Easthill Farm	
Wilton Lane, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type H (plot 25)	
andrew bletcher	Architectural Design Consultant
147 design limited	
Packhorse House	
31 High Street, Strimley, YO19 5AD	
T: 01842 713302 A: 01842 713303	
scale	1/50 @A1
reference	1643/22A







Ground Floor Plan



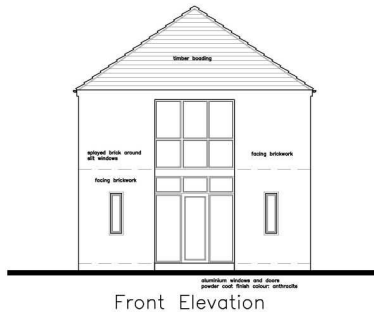
First Floor Plan

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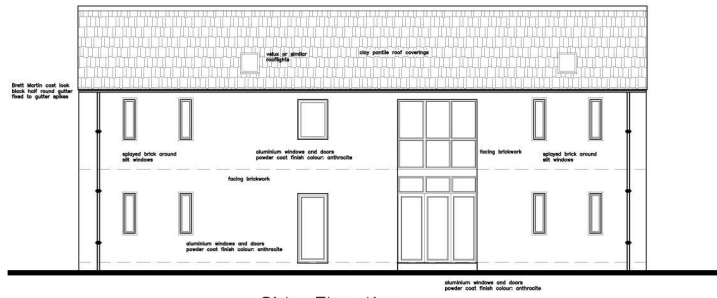
Rev A garage altered December 2016

W&W Estates (Thornton Dale) Limited	
Easthill Farm, Wilton Road Thornton Dale North Yorkshire YO18 7QP	
proposed house type J (plot 17)	
andrew Fletcher <small>MR</small>	Architectural Design Consultant
147 design limited	Architect
Parkhouse Homes	Developer
31 High Street, Goleway, W89 5AD	
T: 01452 713500 147design@btinternet.co.uk	
scale 1/50 @A1	drawing 1643/24A

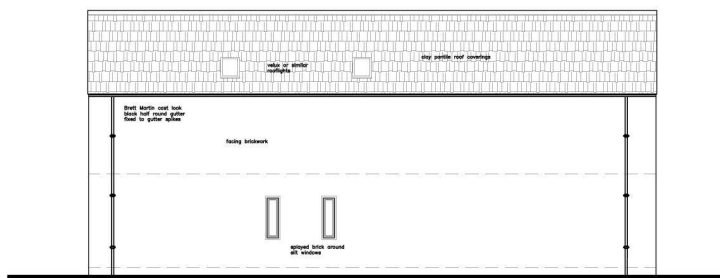
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14/12/16



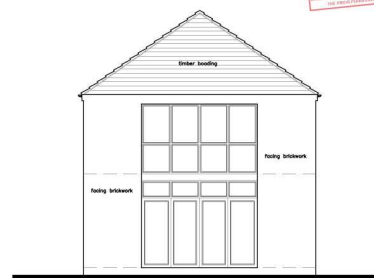
Front Elevation



Side Elevation



Side Elevation

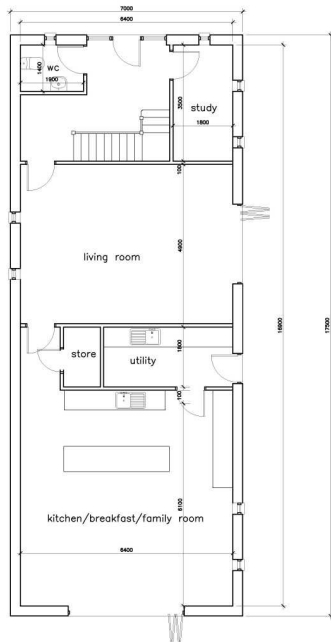


Rear Elevation

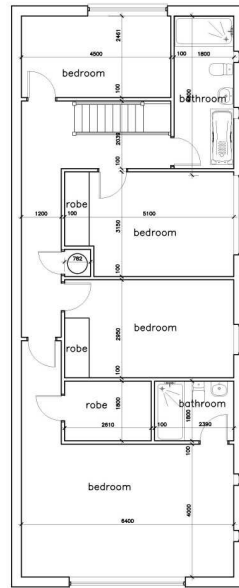
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DATE VAL'D
14/12/19

W&W Estates (Thornton Dale) Limited	
Easethill Farm, Wilton Road	
Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type K (plot 15)	
andrew Betcher	Architectural Design Consultant
147 design limited	Practice Name
31 High Street, Golewosley, 789 5AD	
T: 01642 713300 147design@btinternet.co.uk	
scale 1/50 @A1	number 1643/27



Ground Floor Plan



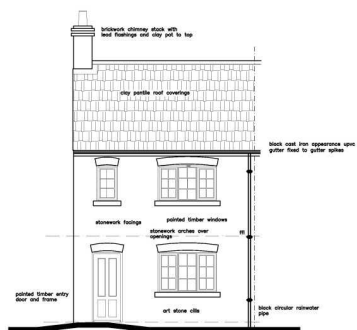
First Floor Plan

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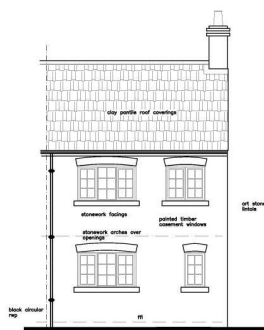
Rev A window added to bathroom Dec 2016

W&W Estates (Thornton Dale) Limited	
Easethill Farm, Wilton Road Thornton le Dale North Yorkshire YO18 7QP	
proposed house type K (plot 15)	
andrew detcher <small>arch</small>	●
Architectural Design Consultant	●
147 design limited	●
Parkhouse House,	●
31 High Street, Golewobury 789 5AD,	●
T: 01452 713300 147design@btinternet.co.uk	●
scale 1/50 @A1	drawing 1643/26A

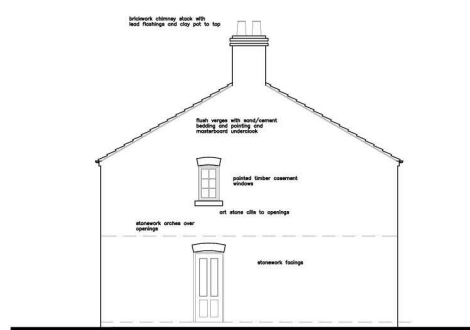
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14/12/16



Approach Elevation

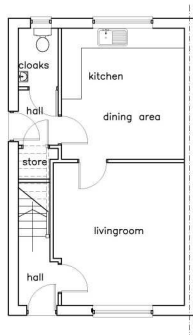


Rear Elevation

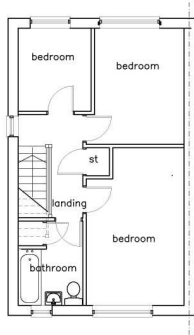


Side Elevation

Note
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Ground Floor Plan

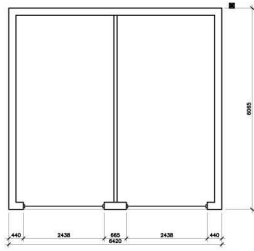


First Floor Plan

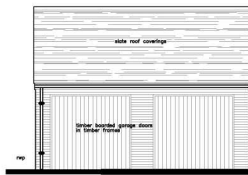
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W & W Estates (Thornton) Limited	
Easthill House Wilton Road, Thornton le Dale North Yorkshire YO18 7QP	
proposed house type L (plot 6)	
andrew hetcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Buckthorn House 31 High Street, Strimling, YO9 5AD T: 01842 713300 147design@btinternet.co.uk	
DATE VALID 14/10/18	SCALE 1/50 @A1 DRAWING 1643/28

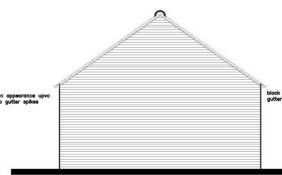
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 AND TO BE CONSIDERED IN PROVISION FOR THE CONSTRUCTION OF THIS
 AND TO BE CONSIDERED IN PROVISION FOR THE CONSTRUCTION OF THIS
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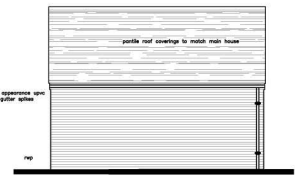
Garage Floor Layout
 for houses plots 12/13, 14/15, 20/21 and 22/23



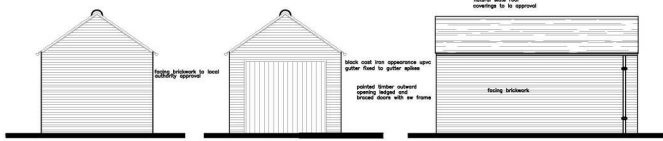
Approach Elevation



Side Elevation
 for double and triple garages



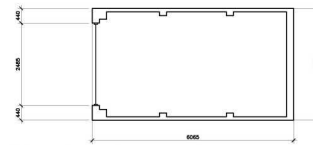
Rear Elevation



Rear Elevation

Front Elevation

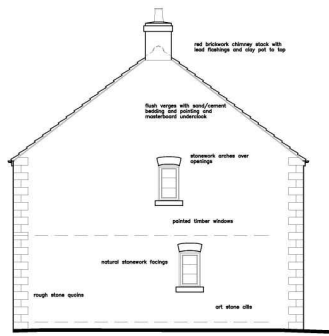
Side Elevation



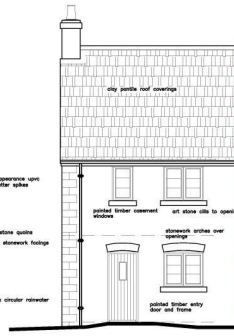
Plan layout for houses plots 17, 18, 25 and 26

W & W Estates (Thornton) Limited	
Eneathill House	
Wilson Road, Thornton le Dale	
North Yorkshire YO18 7QR	
proposed garage plans	
andrew betcher	Architectural Design/Consultant
147 design limited	Architectural Design/Consultant
Parkhouse House,	31 High Street, Spinkesley, W89 5AD.
T: 01652 713300	147design@btinternet.co.uk
scale 1/50 @A1	date 16/4/30

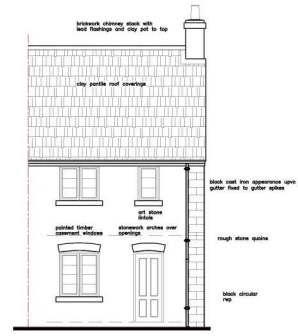
DATE VALUED
 16/12/30



Gable Elevation (plot 2)
(Plot 1 handed)



North Elevation (plot 2)
(Plot 1 handed)



South Elevation (plot 2)
(Plot 1 handed)

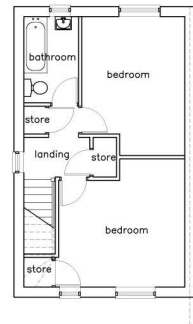
Note
All window and door frames in external walls to be set in reveal a minimum of 75mm.

REVISED PLAN

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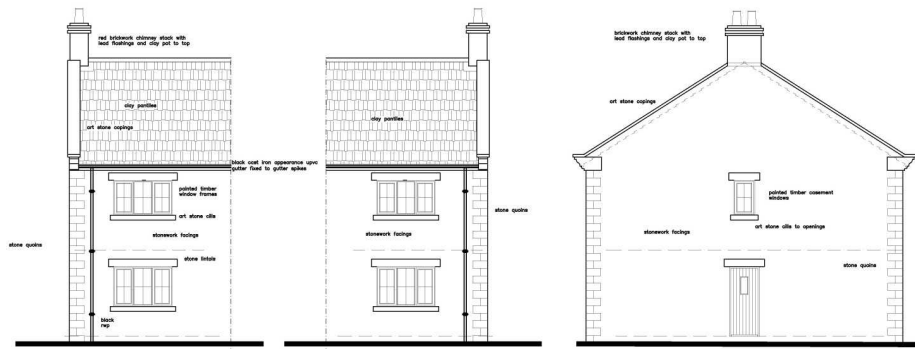
Ground Floor (plot 2)



First Floor (plot 2)

Rev 2 on original February 2017
Rev 3 plot 1 issue added Dec 2018

W & W Estates (Thornton) Limited	
Easthill House Wilton Road, Thornton le Dale North Yorkshire	
proposed house type A (plots 1 and 2)	
andrew bletcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Backhouse House 31 High Street, Strickley, YO29 5AD T: 01842 713302 147design@btinternet.co.uk	
DATE 17/02/17	REVISION 1/50 @A1
	NUMBER 1643/4B



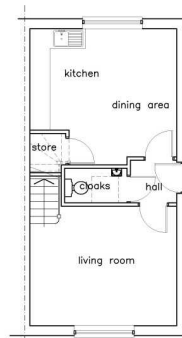
Approach Elevation

Rear elevation

Side elevation



First Floor Plan



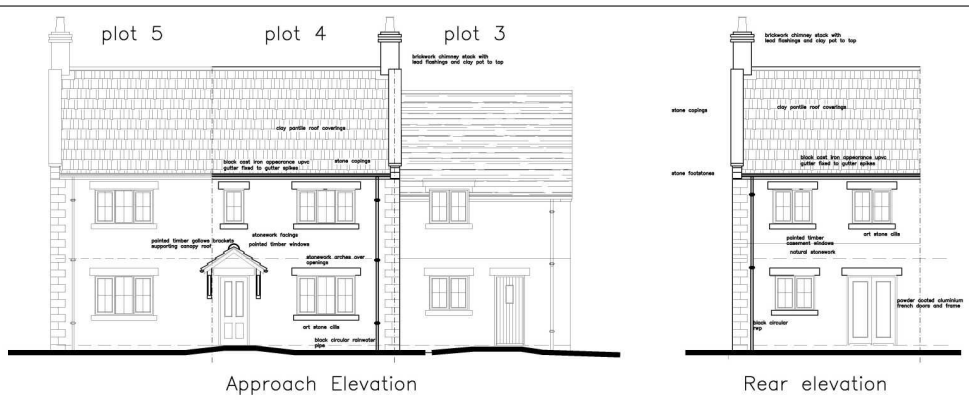
Ground Floor Plan

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REVISED PLAN

Rev A redesign February 2017

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Easthill House Wilton Road, Thornton le Dale North Yorkshire YO18 7QP	
proposed house type B (plot 5)	
andrew hetcher	•••
Architectural Design Consultant	•••
147 design limited	•••
Beckhorne House	•••
31 High Street, Strimley, YO9 5AD	•••
T: 01842 713300 147design@btinternet.co.uk	•••
DATE: 17/02/17	SCALE: 1/50 @A1 DRAWING: 1643/6A



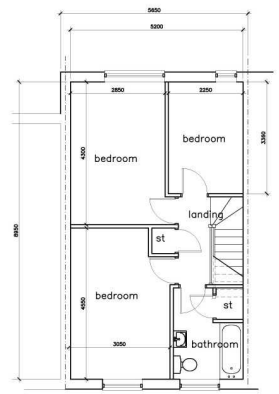
Approach Elevation

Rear elevation

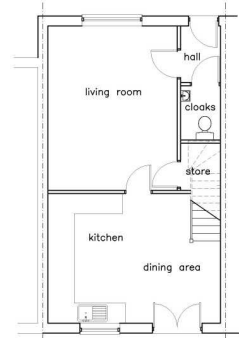
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Note
All window and door frames in external walls to be set in recess a minimum of 10mm.

REVISED PLAN



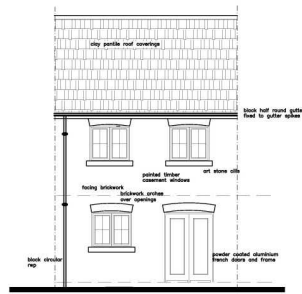
First Floor Plan



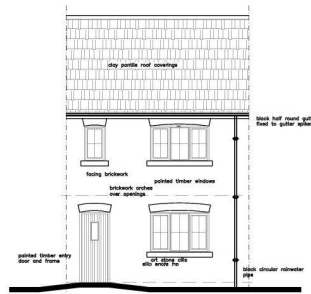
Ground Floor Plan

Rev A redesigned February 2017

W & W Estates (Thornton) Limited	
Easthill House Wilton Road, Thornton le Dale North Yorkshire YO18 7QP	
proposed house type G (plot 4)	
andrew hatcher	Architectural Design Consultant
147 design limited	
Buckthorn House 21 High Street, Skeltonby, YO29 5AD T: 01842 713300 147design@btinternet.co.uk	
DATE 17/02/17	SCALE 1/50 @A1
DRAWN 17/02/17	REVISIONS 1643/19A



Rear Elevation

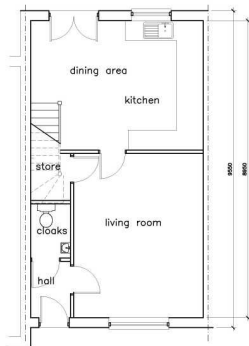


Approach Elevation

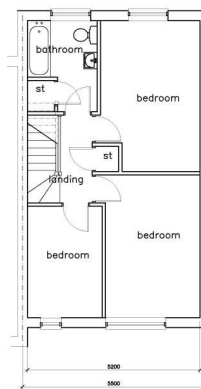
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Note
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 in reveal a maximum of 75mm.

REVISED PLAN



Ground Floor Plan



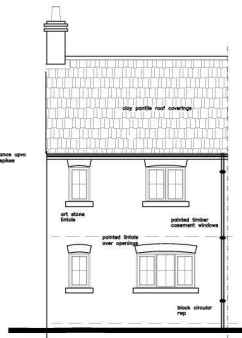
First Floor Plan

Rev A redesign February 2017

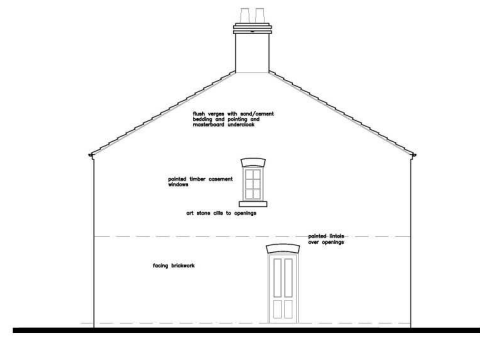
W & W Estates (Thornton) Limited	
Easthill House Wilton Road, Thornton le Dale North Yorkshire YO18 7QP	
proposed house type G (plot 8)	
andrew hatcher	Architectural Design Consultant
147 design limited	Architectural Design Consultant
Duckhouse House 31 High Street, Strimley, YO19 5AD T: 01842 713300 147design@btinternet.co.uk	
DATE 17/02/17	SCALE 1/50 @A1
	REFERENCE 1643/21A



Approach Elevation



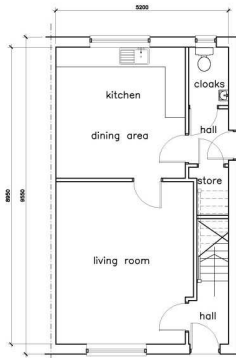
Rear Elevation



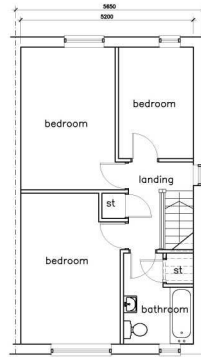
Side Elevation

NOT TO SCALE

Note
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to finish a minimum of 20mm



Ground Floor Plan



First Floor Plan

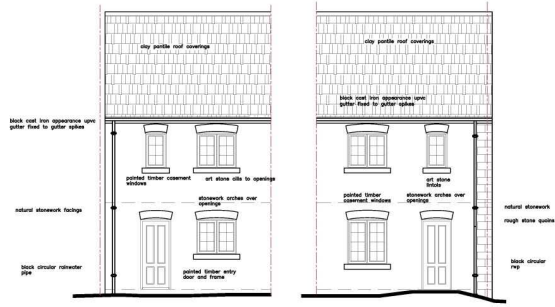
REVISED PLAN

Rev A redisplayed February 2017

DATE
17/02/17

W & W Estates (Thornton) Limited	
Easthill House	
Wilton Road, Thornton le Dale	
North Yorkshire YO18 7QP	
proposed house type L (plot 9)	
andrew hetcher	Architectural Design Consultant
147 design limited	
Duckburn House	
31 High Street, Strimley, YO9 5AD	
T: 01842 713300	147design@btinternet.co.uk
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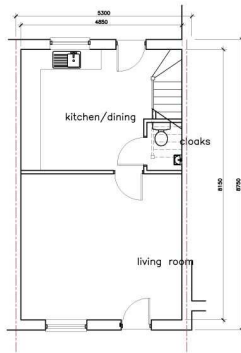
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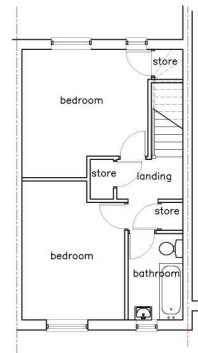
Rear Elevation

Approach Elevation

Note
 All window and door frames to external walls to be set in a recess a minimum of 25mm.



Ground Floor

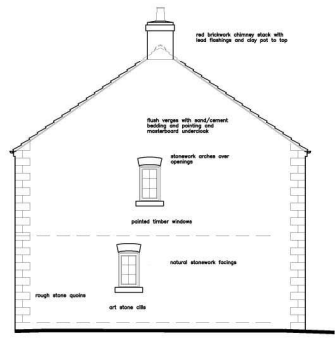


First Floor

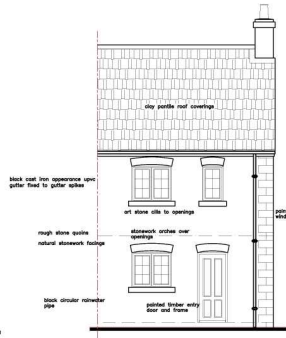
Rev A re designed February 2017

W & W Estates (Thornton) Limited	
Easthill House	
Wilton Road, Thornton le Dale	
North Yorkshire	
proposed house type A (plot 7)	
andrew fletcher	Architectural Design Consultant
147 design limited	147 design limited
Backhouse House	31 High Street, Skeltonby, YO30 5AD
T: 01662 713300	147design@wwe.co.uk
Scale: 1/50 @A1	Contents: 1643/20A

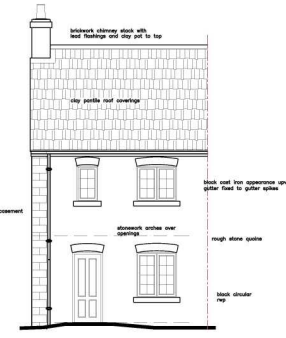
DATE
17/02/17



Gable Elevation



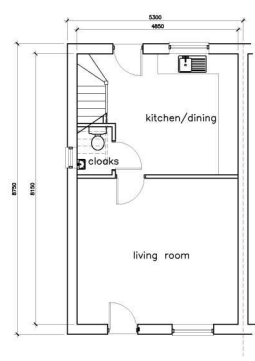
Rear Elevation



Approach Elevation

Note
 All window and door frames in external walls to be set in reveal a minimum of 20mm

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Ground Floor



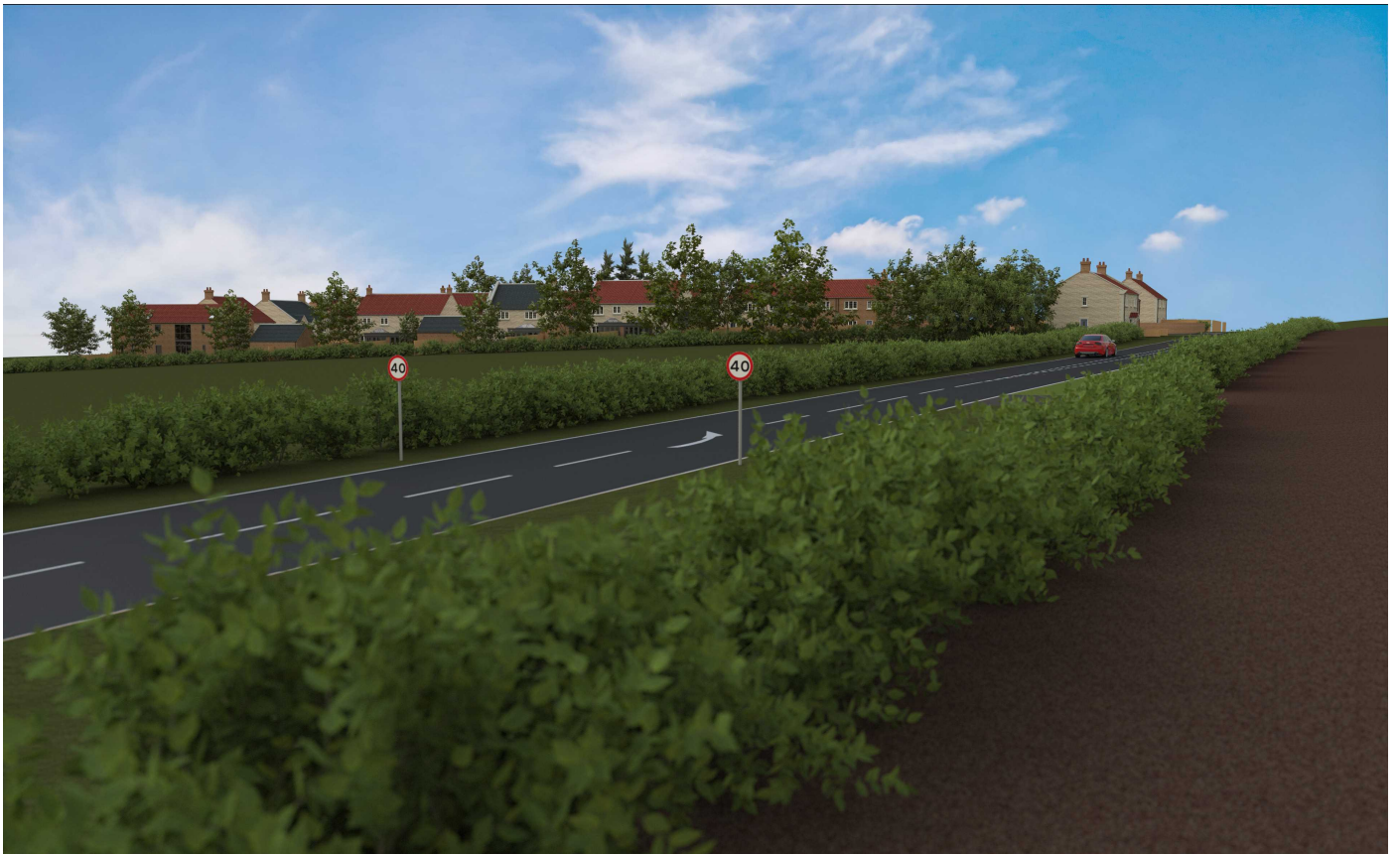
First Floor

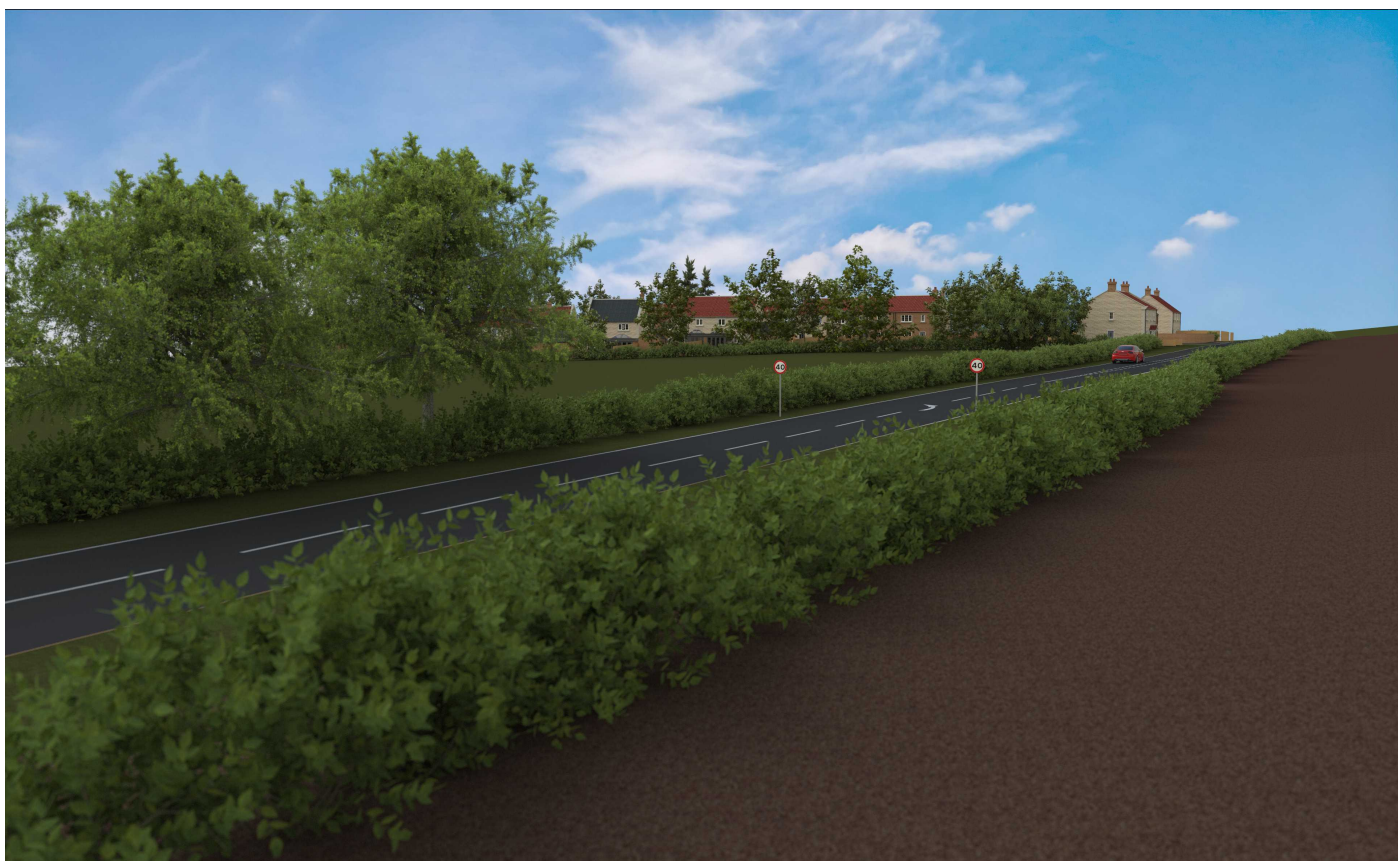
Rev. A as designed February 2017

W & W Estates (Thornton) Limited Easthill House Wilton Road, Thornton le Dale North Yorkshire	
proposed house type A (plot 6)	
andrew hatcher Architectural Design Consultant	● ● ● ● ●
147 design limited Backhouse House 31 High Street, Strickland, TOSN S43D T: 01662 713300 147design@btinternet.com	● ● ● ● ●
DATE: 17/02/17	REVISION: 1/50 @A1 DRAWING: 1643/28A















PB Planning

LAND AT EASTHILL HOUSE,
THORNTON LE DALE

PLANNING STATEMENT

DECEMBER 2016

Strategy > Partnership > Delivery

CONTENTS

- 1.0 Introduction
- 2.0 Site Description & Development Proposals
- 3.0 Planning History & Pre-Application Advice
- 4.0 Planning Policy Context
- 5.0 Economic & Social Role of Sustainable Development
- 6.0 Environmental Role of Sustainable Development
- 7.0 NPPF Sustainable Development & Deliverability Assessment Conclusion
- 8.0 Summary & Conclusions

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1.0 INTRODUCTION

1.1 This Planning Statement accompanies an application for **full** planning permission for the following development on Land at Easthill House, Thornton le Dale: -

“Development of 26 residential dwellings and associated infrastructure”

1.2 This statement has been prepared in support of the planning application and it provides details of the proposed development and an assessment of its compliance with relevant planning policy.

1.3 The application package is accompanied by the appropriate planning application fee and comprises copies of the following documents: -

- Site Location Plan;
- Site Layout Plan;
- House Type Drawings;
- Garage Drawings;
- Topographical Survey;
- Technical Statement on Highway Matters;
- Design and Access Statement;
- Arboricultural Pre-Development Report;
- Ground Investigation Report; &
- Site Photographs

1.4 The statement concludes that the proposed development is in accordance with relevant planning policies at national and local levels. The proposed scheme seeks to provide new high quality housing in a location which is appropriate for the proposed residential use. Full planning permission should therefore be granted in respect of this planning application.

2.0 SITE DESCRIPTION AND DEVELOPMENT PROPOSALS

Site Description

- 2.1 The application site is approximately 0.95 hectares in size. Easthill House and its grounds provide holiday apartments, holiday lodges and ancillary areas including barbeque areas, a tennis court, crazy golf area and a play park. The site is categorised as previously developed land.
- 2.2 The photographs enclosed with this statement identify the current character of the site, it's buildings and ancillary uses.
- 2.3 The site's existing use has been in decline for a number of years, resulting in the use no longer being viable. The site's current appearance on an important approach into the Village has an adverse impact on the character of the settlement; views onto the settlement from the Area of High Landscape Value beyond the site; and views from the National Park from the north.
- 2.4 Whilst the site represents previously developed land, it is currently located adjacent to the defined development limits of Thornton-le-Dale and within the Area of High Landscape Value (AHLV).
- 2.5 The site's current negative visual impact on the character and appearance of the settlement, AHLV and National Park will only worsen should an appropriate alternative development not be supported on account of the site's existing buildings becoming dilapidated as a result of the financial situation of the site's existing use.
- 2.6 The site has a frontage to Wilton Road/A170 and is bounded on its northern and western boundaries by existing residential properties. The site is bound to the east and south by landscaping and open countryside beyond. When viewed aerially, the site represents a logical rounding off to the current settlement form of the Village.
- 2.7 The site is located in a suitable and sustainable location for residential development. Thornton le Dale is identified as a Local Service Village, the tertiary focus of growth behind the District's Principal Town and Market Towns. The planning policy context associated with the development of the site is discussed in further detail below.
- 2.8 With regards to access to services, Manual for Streets published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. A variety of facilities that could provide for the day to day needs of residents are located approximately 1.75km from the site within the centre of Thornton le Dale. The site is also approximately 1.17km from the All Saints Church of England Primary School.

- 2.9 Local bus stops are located within approximately 100m of the site on the A170. Nearside pedestrian facilities on the A170 are limited and as a consequence the development proposals will seek to improve connectivity between the site and local facilities in the village, either by improvement of the current footway on the opposite flank of the A170, or the provision of a nearside footway by the conversion of the existing verge.
- 2.10 The wider context of the site contains a varied mix of built up areas and open countryside. Beyond the immediate setting of the site lies the main settlement area of Thornton le Dale and the North York Moors National Park.
- 2.11 The provision of residential development at the site would not have an adverse impact on the identified local context and land uses located within proximity to the site. On account of the site's declining use, it is considered that the development proposals will have a positive impact on the character and setting of the area.

Development Proposals

- 2.12 The development proposals seek to deliver a high quality residential development, including bespoke designs, providing a housing mix for first time buyers through to families.
- 2.13 The development proposals seek the demolition of the existing buildings, the construction of 26 two-storey homes, with a mixture of integral or detached garages and private garden/amenity space to the front and rear.
- 2.14 It is proposed to provide a mix of dwelling types within the development and they will be as follows:
- Two semi-detached two bedroom dwellings (affordable dwellings)
 - One terraced two bedroom dwellings (affordable dwellings)
 - Six terraced three bedroom dwellings (affordable dwellings)
 - Four semi-detached three bedroom dwellings
 - Four semi-detached four bedroom dwellings
 - Three detached three bedroom dwellings
 - Six detached four bedroom dwellings
- 2.15 The development proposals will deliver 9 affordable homes (35%) on site, in accordance with the Council's current planning guidance.

Design & Appearance

- 2.16 The proposed scheme has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity.

- 2.17 Along the site's frontage with Wilton Road/A170, the development proposals have been designed to deliver a built form which mirrors that of the Village centre of Thornton le Dale. With a semi-detached and block of 3 cottage/terraced properties. Parking has been placed to the rear of the site's frontage in order to enhance the design of the proposals and avoid cluttering the site's frontage on an important approach of the Village.
- 2.18 A similar form of development is proposed to be delivered immediately to the south of the site's entrance area, juxtaposed with larger detached properties in order to provide a varied street scene. This built form flows through the remaining areas of the site in order to deliver a development that is sympathetic to the character of the Village.
- 2.19 The plot sizes for each dwelling are commensurate with the existing arrangement of housing in the vicinity of the site and the proposed layout will provide each dwelling with rear private garden areas which are a minimum of 9m in depth.
- 2.20 The proposed development will provide elongated rear gardens (with potential for landscaping) on the site's western boundary adjacent to existing residential properties. Separation distances between the existing residential properties along the site's northern boundary will be substantial on account of the garden sizes of the existing properties.
- 2.21 The external treatment of the proposed houses will include door canopies, porches, chimney stacks and varying traditional window designs with stone/brick lintels and stone cills to provide a large variety of traditional designs around the development, and which seeks to compliment the design and appearance of the local vernacular.
- 2.22 The houses are to be fronted predominantly with natural stonework with a small number of dwellings having new facing brickwork which will be complemented with either stone lintel, arched stone lintels of brick soldier course lintels to the windows and doors and with stone projecting cills together with timber framed porches and door canopies (plain tile covered). The windows will be painted timber double glazed frames and the doors will be composite doors in painted timber frames.
- 2.23 The houses will have either parapets, with stone copings and footstone detailing of flush pointed gable verges, and the eaves of the houses are to be provided with half round black cast iron look guttering fixed to the walls by means of gutter spike brackets. All of the roofs to the development will be covered using natural clay pantiles or slates to local authority approval.
- 2.24 It is the applicant's intention to provide a stone wall to the front of the site along the northern boundary. The wall will be traditional in appearance.

- 2.25 Of particular design importance is the house type which has been designed to imitate a traditional barn (House Type K). This house type has been located at the south-east corner of the site. The area of the site most visible from the open countryside beyond. The house type has been specifically designed to limit the impact of the development proposals on the adjacent AHLV.
- 2.26 When viewed from Wilton Road/A170, the existing site provides an eyesore at an important entrance to the Village. The high quality, bespoke, design of the proposals will deliver an enhanced streetscape and improving views onto the Village from the surrounding landscape to the east.

Landscape & Arboriculture

- 2.27 With regards to landscaping, though the site is located in a designated AHLV, the site has no landscape value. Indeed, as identified above, the site has the potential to have an adverse impact on the surrounding landscape character of the site should the existing buildings be left to decline.
- 2.28 Views onto the development site are currently available from: -
- North - Wilton Road/A170
 - North – Outgang Lane
 - North East – A170
 - East – A170
 - South – Hurrell Lane
 - South New Ings Lane
- 2.29 Views onto the site contain a mixture of built form and tree planting, associated with the current uses and nature of the site. The development proposals will seek to retain the site's valued trees and landscape, the majority of which are located on the site's eastern and southern boundary. The aim is to set the proposed dwellings within a green infrastructure framework, replicating the character of existing views onto the site from the east and south. Resulting in a preservation of the site's role within the wider AHLV. It is believed that the development proposals will improve views onto the site from the National Park to the north, which currently consist of direct views of the rear of Easthill House, with a setting of built form and trees beyond.
- 2.30 The existing site contains areas of landscaping around the perimeter including a number of trees and hedges on the eastern boundary. This hedge will be retained and reinforced with additional plants where necessary. Particularly on the site's eastern and southern boundaries with the wider AHLV. Additional planting will provide sympathetic views onto the development proposals, whilst also enabling it to integrate well with the surrounding countryside.
- 2.31 Additional areas of landscaping will be provided to the western boundary between the existing dwellings and the new development and also on the eastern elevation of the site, to enhance the current screening to the site. The detailed nature of the planting scheme is to be decided.

- 2.32 It is the applicant's intention to provide landscaped gardens at the rear of the houses including close boarded timber fences between the individual dwellings. Flagstone paving will be provided within the garden areas with paths to the refuse store area.
- 2.33 An Arboricultural Pre-Development Report has been prepared by Elliott Consultancy Ltd (dated August 2016) to assess the effect of the development upon the existing landscaping at the site. The information contained within the report and Tree Constraints Plan (enclosed in Appendix 2 of the report) have been used to guide the design of the development proposals, with the aim of producing a layout that integrates existing trees of suitable quality where at all possible. Crown spreads and root protection areas will be respected with adequate space afforded for future development as the trees mature. A significant proportion of the trees on the site, notably those located within the site's western half, are not of a quality that requires protection.
- 2.34 It is proposed that an Arboricultural Impact Assessment will be conditioned to any approval of the application, as will an Arboricultural Method Statement.

Sustainable Design

- 2.35 If necessary, and in order to achieve the requirements of the building regulations, the development will be adapted to facilitate the use of PV panels. In terms of their orientation, the majority of the dwellings have been located so that either the south or south west-facing roof of every dwelling can be constructed with photovoltaic panels to provide electricity.

Flood Risk & Drainage

- 2.36 The Environment Agency indicative flood maps have been consulted and they have confirmed that the site is not subject to a risk of flooding.
- 2.37 The foul drainage from the dwellings will be pumped into the existing sewer located on the A170 to the north of the site.
- 2.38 Due to the levels across the site which generally fall from north to south, the surface water will be collected in oversized concrete pipes under the adopted road. It is proposed that the surface water will feed into the internal drainage board network located on the site's southern boundary.
- 2.39 The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30yr storm conditions and to ensure that a 1 in 100yr event does not surcharge the site drainage system and can be stored on site without risk to people & property.

Highways & Accessibility

- 2.40 A Technical Statement on Highways Matters has been prepared by Sanderson Associates (dated October 2016) to assess the impact of the development proposals on the local highway network. The proposed development will be accessed from the site's existing access point from Wilton Road/A170.
- 2.41 The statement concludes that, in terms of the proposed development, it is clear that there is little material change in the traffic volumes generated by the proposed development when compared to the site's current use.
- 2.42 The statement identifies that there are opportunities for the use of sustainable travel to and from the site and measures will be provided (the improved footway provision) to encourage its use.
- 2.43 The statement confirms that a suitable access can be provided to appropriate design standards and there is no requirement for off-site improvements connected with the level of traffic associated with the development. The residual cumulative impact of the development could not therefore be considered to be severe and there should not be any highway reasons why this development should not gain planning permission.

Ground Investigation

- 2.44 A Ground Investigation Report has been undertaken by Rawcliffe Associates Ltd (dated November 2016). A trial hole investigation has been carried out at the site to assess the existing subsoil conditions to advise on suitable foundations for the proposed development. Soakaway trial test pits were also carried out to assess the soil infiltration to assist in the design of surface water drainage. It is envisaged that soakaway drainage is not feasible at the site.
- 2.45 The report identifies that the site inspection and trial holes undertaken at the site revealed no significant signs of poor ground conditions. The report states that should any future groundworks of the proposed development expose any potential poor ground conditions or buried structures, Rawcliffe Associates Ltd should be contacted to obtain advice and a course of remedial action. We anticipate that an appropriately worded planning condition could be attached to any potential approval of the development.

Community Infrastructure Levy & Section 106 Agreement Obligations

- 2.46 The development proposals will deliver a Community Infrastructure Levy (CIL) payment to Ryedale District Council to enable the safeguarding and enhancement of local infrastructure in the District.

2.47 The CIL charge for new open market residential developments in the Thornton le Dale area is £85 per square metre of gross internal floor space, which includes garages. In respect of the development proposals, the calculated CIL payment associated with the proposed open market dwellings is as follows: -

House Type	Gross Internal Floor Space (Sq.ft)	Gross Internal Floor Space (Sq.m)	Quantity	Total Sq.m	Required CIL Payment at £85sq.m
C	1400	130.06	4	520.26	£44,221.83
D	2000	185.81	4	743.22	£63,174.04
E	2250	209.03	1	209.03	£17,767.70
F	1700	157.94	4	631.74	£53,697.93
H	2100	195.10	2	390.19	£33,166.37
J	2400	222.97	1	222.97	£18,952.21
K	2325	216.00	1	216.00	£18,359.96
Single Garage	190.52	17.7	8	141.60	£12,036.00
Twin Garage	386.42	35.9	5	179.50	£15,257.50
			Total	3254.51	£276,633.54

2.48 However, there is a CIL credit payment that needs to be factored in from the loss of the existing building on site. The existing building has a gross floor space of 557.4sq.m. Of which, approximately half is currently utilised as a private residential home, resulting in a CIL credit of £23,689.5. Which reduces the CIL payment associated with the development proposals to **£252,944.04**. The CIL contribution to be delivered by the development proposals will be finalised over the course of the determination of the planning application.

2.49 In addition to the CIL payments the development will also deliver affordable housing on-site to meet local housing needs. A Section 106 Agreement will be submitted to the Council in due course to provide details of the timing and transfer of the affordable homes to a Registered Provider.

Conclusion

2.50 The documentation supporting the planning application establishes that the proposed quantum of development detailed above can be accommodated at the site ensuring that a high quality residential development can be delivered.

2.51 The development proposals will enhance an important approach to the Village through the removal of an existing eyesore and its replacement of a bespoke residential development that reflects the character of the Village and which preserves the value of the site's surrounding landscape.

3.0 PLANNING HISTORY & PRE-APPLICATION ADVICE

3.1 In order to fully understand the development context of the site in the preparation of the planning application, we have undertaken a full planning history search. This search has identified the submission of no planning applications at the site since 1st January 2001.

3.2 There is therefore no planning application history of relevance to this planning application on account of the changes to both national and local planning policy guidance since 2001.

3.3 Prior to the submission of the planning application, the applicant has undertaken pre-application discussions with Ryedale District Council (RDC). The pre-application enquiry was submitted on the 12th July 2016. A meeting was held between the applicant and RDC on the 6th October 2016. The key points discussed at the meeting in respect of the proposed development of the site were as follows: -

- Place great emphasis on the site's frontage and eastern boundary in order to enhance the edge of the Village and improve on what is currently seen.
- Improve/enhance the landscaping along the site's eastern boundary.
- Provide Car Ports for parking areas for Plots 1 to 5 so that car parking isn't visually prominent on the access into the site.
- Move bungalows from the main access route.
- Amend area of Plot 23 to 27 to try to "back on" to existing residents on the site's western boundary.
- Ensure that sufficient spacing is provided between the plots (including garages) and trees. To ensure risk of future felling is minimised.
- Provide front of plot boundary features to enhance the village street scene feel.
- Change the road hierarchy to the south of the parking for Plots 1 to 5 by removing footpaths and moving to a shared surface. Allowing plots to be brought forward/staggered to create an interesting street scene and also to provide space from the trees located to the rear.
- Consider the provision of a large semi-detached plots to reflect the character of the existing Village.
- Materials can be a mix of stone/brick. Similar to the existing scheme located to the west of the site.

3.4 It is our view that the details provided in this statement, when viewed alongside the submitted planning drawings, demonstrate that the applicant has sought to respond positively to the comments received in respect of the design and layout of the development proposals.

3.5 With regards to community consultation, the applicant has held discussions with each of the existing residential properties which border the site. These discussions resulted in the provision of elongated rear gardens (with potential for landscaping) on the site's western boundary adjacent to existing residential properties. Separation distances between the existing residential properties along the site's northern boundary will be substantial on account of the garden sizes of the existing properties.

4.0 PLANNING POLICY CONTEXT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: -

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

4.2 This section of the Planning Statement outlines the relevant planning policy context for the proposed development considering National policy guidance and the policies of the Development Plan. It focuses on policies associated with the principal of development. Policies and guidance associated with detailed, technical matters are discussed in detail in Sections 5 & 6 below. For reference, the following documents have been reviewed: -

National Planning Guidance

- National Planning Policy Framework

Development Plan Policy

- Saved Policies of the Ryedale District Local Plan; &
- Ryedale Local Plan Strategy

National Planning Guidance

4.3 At the national planning policy level, the National Planning Policy Framework (NPPF) identifies in Paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. In Paragraph 7 it identifies three dimensions to sustainable development, which are as follows: -

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect *the community's needs and support its health, social and cultural well-being*; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.4 The NPPF identifies that these three roles should not be considered in isolation because they are mutually dependent. The document makes it clear that economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the

lives of people and communities. The NPPF states in Paragraph 8 that to achieve sustainable development: -

“economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

- 4.5 Paragraph 9 of the NPPF further identifies that sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, which includes but is not limited to the following:
- Making it easier for jobs to be created in cities, towns and villages;
 - Moving from a net loss of bio-diversity to achieving net gains for nature;
 - Replacing poor design with better design;
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes.
- 4.6 The NPPF identifies a number of core planning principles within Paragraph 12. Of particular relevance to the development site the guidance identifies that in both plan making and decision taking, planning should: -
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
 - Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; and
 - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.7 Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The guidance identifies that development that accords with the development plan should be approved without delay. Or, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.8 Paragraph 214 of the NPPF provides guidance to inform decision makers as to when a plan is classed as out of date. It identifies that for 12 months from the day of publication (of the NPPF), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with NPPF.
- 4.9 The NPPF sets the Government's broad economic objectives for the planning system with sustainable development as a core principle. Paragraph 19 advises that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

- 4.10 With regards to the rural economy, paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 4.11 The delivery of sustainable development should be considered in association with the NPPF's commitment to significantly boosting the supply of housing as prescribed in Paragraph 47 and also in Paragraph 49 which identifies that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 4.12 With regard to meeting identified housing needs, Paragraph 50 of the NPPF identifies the need for development which delivers a wide choice of high quality homes, widen opportunities for home ownership and creates sustainable, inclusive and mixed communities. With regards to affordable housing, the guidance identifies the need to meet this need on-site.
- 4.13 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas. It identifies that housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.14 With regards to the site's location outside of the defined settlement limits of Thornton le Dale and within the AHLV, Paragraph 109 of the NPPF identifies that developments should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 4.15 In relation to conserving and enhancing the natural environment, Paragraph 111 of the NPPF identifies that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Local Planning Guidance

- 4.16 The Ryedale District Local Plan was adopted in 2002 and can be considered time expired. Its plan date was to 2006 and consequently the policies should be given very limited weight, particularly those policies that set needs or requirements over a period of time. The guidance provided in the NPPF confirms this conclusion. However, the Council identify that the proposals maps of the plan are to be saved until they are superseded by the Ryedale Local Plan Sites Document. The next version of the Ryedale Local Plan Sites Document is expected to be published for public consultation early next year.
- 4.17 The key policies of the Ryedale Local Plan associated with the development of the site have been superseded by the adoption of the Ryedale Local Plan Strategy (January 2015).

- 4.18 Policy SP1 of the Ryedale Local Plan Strategy identifies Thornton le Dale as a Local Service Centre (Service Village). The policy states that in allocating and releasing development sites in such locations, the use of deliverable brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking a count of the vulnerability of types of development and the need to achieve sustainable development. In addition, the policy also identifies that the Council will also take into account the delivery of the objectives of the plan; Community Infrastructure Levy requirements; accessibility to local services and facilities by foot; neighbouring land uses; impact on interests of importance; the character of the settlement and its setting; and satisfactory highway capacity and safety.
- 4.19 Policy SP2 of the plan provides guidance on the distribution of new homes within the Ryedale district. Thornton le Dale is identified as a Service Village, where approximately 10% of all new homes within the District will be located, equating to 300 new homes. The policy identifies that residential developments within Service Villages should be located in or adjacent to development limits.
- 4.20 Policy SP3 highlights the need for affordable housing in the Ryedale District whilst providing minimum requirements for all new housing developments. The policy states that 35% of new dwellings should be delivered as affordable housing on-site within Thornton le Dale.
- 4.21 Policy SP4 highlights the need for a choice of housing mix and type whilst drawing attention to the need for high quality developments within the Ryedale District. The policy supports developments that will provide increased housing choice and which contribute to the provision of a balanced housing stock.
- 4.22 Policy SP13 outlines the protection required for identified landscape areas within Ryedale. The policy states that the quality, character and value of Ryedale's diverse landscape will be protected and enhanced by encouraging new developments which contribute to the protection and enhancement of district elements of landscape character. The policy identifies that outside of those landscapes of the District which are protected by national landscape designations, the Council will carefully consider the impact of development proposals.
- 4.23 It is our view that the development proposals are consistent with national and local planning policy guidance. For completeness, and to ensure that the full benefits of the development proposals are explained, the next two sections of the statement provide an assessment of the site against the NPPF's planning policy objectives in respect of achieving the economic, social and environmental roles of sustainable development.

5.0 ECONOMIC & SOCIAL ROLE OF SUSTAINABLE DEVELOPMENT

- 5.1 One of the NPPF's Core Planning Principles identified in Paragraph 17 is to proactively drive and support sustainable economic development to deliver the homes that the country needs. It states that every effort should be made to objectively identify and meet the housing needs of an area. Paragraph 19 of the NPPF furthers the Government's commitment to securing economic growth and states that significant weight should be placed on the need to support economic growth through the planning system.
- 5.2 The development proposals can deliver the following economic and social benefits to Thornton le Dale and the wider District: -
- Creating sustainable communities through meeting market and affordable housing needs (on-site), offering existing and potential residents of the District the opportunity to live in the type of house and location they desire.
 - Delivering financial contributions towards the improvement of the District's infrastructure through the provision of a Community Infrastructure Levy payment of **£252,944.04**
 - New capital expenditure in the region of £3m creating direct and indirect employment opportunities of approximately 78 new jobs, of which 70% are usually retained in the local area.
 - Sustaining and improving the District's labour market through delivering the right homes in the right locations.
 - Increasing retail and leisure expenditure in the local area by between £600k per annum, creating a potential 4 jobs in these sectors.
 - Provision of funding towards public services from an estimated figure of £235k from the Government's new homes bonus and annual council tax payments of £40k per annum.
- 5.3 The development of 26 homes at the site can deliver economic and social benefits to the local area and wider District. The NPPF seeks to encourage sustainable growth and identifies in Paragraph 8 that economic growth, such as that which this site can deliver, can secure higher social and environmental standards.
- 5.4 The development of the site will deliver a £3m construction investment to Thornton le Dale and the wider Ryedale area. This level of investment will deliver a wide range of direct and indirect economic benefits to the area, stimulating employment growth during and post construction.
- 5.5 A large proportion of the workforce for each of W & W Estates' sites are drawn locally. It is therefore highly likely that the majority of the proposed construction jobs will be taken up by a local workforce. Furthermore, local business will also benefit from trade linkages established through the construction of the development, meaning that a large proportion of the indirect jobs would be supported locally from suppliers of construction materials and equipment.

- 5.6 Following the construction of the development new employment opportunities will be created and existing facilities/services sustained as a result of the spending patterns of new residents within Thornton le Dale and the local area. It is estimated that the development will generate over £600k pounds each year of spending power to the local retail and leisure economy. Contributing to the long term vitality and sustainability of the local services and facilities of the Village.
- 5.7 The development will deliver significant economic gains through the Government's New Homes Bonus incentive and annual Council Tax payments. At a time when local authority's budgets are being reduced these areas of financial gain can provide beneficial ways in which Councils can continue to support their communities.
- 5.8 Indeed, as calculated above, the development proposals will also deliver a substantial Community Infrastructure Payment to the Council, to be used to improve local infrastructure, including local educational facilities.
- 5.9 Overall, the development will deliver a number of economic benefits to Thornton le Dale (a designated Service Village) and the wider Ryedale area, and in doing so will meet the Government's economic objectives of sustainable development. In doing so the proposals will also comply with Ryedale Local Plan Strategy Policies SP1 & SP2.
- 5.10 Turning specifically to the social role that the development can deliver, the development proposals will contribute to supporting a strong, vibrant and healthy community by providing a supply of housing that is required to meet the needs of the present and future generations.
- 5.11 Paragraph 47 of the NPPF identifies that in order to boost significantly the supply of housing Local Planning Authorities are required to ensure that they meet in full their objectively assessed needs for housing and in doing so demonstrate annually a 5-year supply of deliverable housing sites.
- 5.12 The development proposals can deliver an important contribution to the District's housing land supply requirements. It can support the ongoing maintenance of a 5-year rolling supply of deliverable housing sites through the release of a previously developed site. Reducing the need to release less sustainable greenfield sites located elsewhere in the District.
- 5.13 The development proposals can also deliver a vital contribution to the District's affordable housing needs through the delivery of 35% of the proposed homes as affordable properties on-site. RDC's 2015 Strategic Housing Market Assessment (SHMA) indicates that Ryedale will be required to provide for a net annual affordable housing need of approximately 98 dwellings per annum over the period 2014 to 2035 (based on a 30% affordability threshold) in order to both

clear the existing waiting list backlog and meet future arising household need. The development proposals can therefore deliver a very important contribution to these identified housing needs.

- 5.14 Recent discussions with RDC's Housing Officers have also identified that in 2015 an Open Day was held in the Village in connection with the applicant's recent housing scheme at Hurrell Lane and which included 4 x Discount for Sale properties. At the Open Day, 21 people registered an interest in the properties. As this level of interest could not be fully met by the Hurrell Lane development, the delivery of 9 affordable properties within the development proposals could make a significant contribution to meeting the outstanding affordable housing needs of the Village itself.
- 5.15 The development will deliver high quality homes for local families on a previously developed site located within a designated Service Village. The development is within walking and cycling distance of a range of leisure and community services. The development will help to sustain local services and facilities by providing new retail and leisure expenditure.
- 5.16 In respect of the provision of a good housing mix within the development, in order to meet the identified needs of the community the proposals offer the potential to provide dwellings of a mix of 2, 3 and 4 bedroom homes to ensure that the housing needs of all members of the community can be met including first time buyers, couples of all ages and families.
- 5.17 The proposed scheme has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity. The application seeks to deliver 26 dwellings at a density of 27 dwellings per hectare.
- 5.18 The external treatment of the proposed houses will include door canopies, porches, chimney stacks and varying traditional window designs with stone/brick lintels and stone cills to provide a large variety of traditional designs around the development and which seeks to compliment the design and appearance of the local vernacular.
- 5.19 The design of the proposals will result in a high quality local environment for residents, with appropriate levels of private amenity space for new residents of the development and existing residents who neighbour the site.
- 5.20 We consider the quantum of development proposed will deliver a high quality residential development whilst ensuring an efficient use of previously developed land. Full details in respect of the design of the development proposals are set out within the Design & Access Statement that is submitted as part of the planning application.

5.21 Overall, the development will deliver much needed new homes in a sustainable location and will meet the Government's social objectives of sustainable development as set out in Paragraphs 47, 50, 55, 58 & 111 of the NPPF. In doing so the proposals will also comply with Ryedale Local Plan Strategy Policies SP1, SP2, SP3, SP4 & SP16.

6.0 ENVIRONMENTAL ROLE_OF SUSTAINABLE DEVELOPMENT

- 6.1 The NPPF identifies the environmental role of sustainable development as contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. The key environmental considerations associated with the development proposals are considered below.
- 6.2 The key planning arguments in support of the environmental role of the development proposals were outlined in Section 2 of this statement. These arguments are summarised again here, whilst specifically identifying how the proposals comply with relevant national and local planning guidance.

Settlement Form & Design Context

- 6.3 Paragraph 56 of the NPPF identifies that good design is a key aspect of sustainable development and that it can be used to contribute positively to making places better for people. Paragraph 57 further states that high quality and inclusive design, including individual buildings and private spaces, should be achieved. Paragraph 61 identifies that design goes beyond aesthetic considerations and should address connections between people and places and the integration of new development into the natural, built and historic environment. Finally, Paragraph 65 identifies that planning permission should not be refused for buildings which promote high levels of sustainability because of concerns about the incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 6.4 At the local level, Policy SP16 of the Ryedale Local Plan Strategy document identifies that development proposals will be expected to create high quality places that are accessible, well integrated and which reinforce local distinctiveness; respect the landscape; the structure and grain of settlements; views and vistas; materials and architectural detail; landscape features; and which make efficient use of land.
- 6.5 The development of the application site in the manner proposed will improve the design character of this location of Thornton le Dale for the following reasons: -
- The site's existing use has been in decline for a number of years. When viewed from Wilton Road/A170, the existing site provides an eyesore at an important entrance to the Village.
 - The site's current appearance on an important approach into the Village has an adverse impact on the character of the settlement; views onto the settlement from the Area of High Landscape Value beyond the site; and views from the National Park from the north.

- The site's current negative visual impact on the character and appearance of the settlement, the AHLV and National Park will only worsen should an appropriate alternative development not be supported.
- When viewed aerially, the site represents a logical rounding off to the current settlement form of the Village.
- The proposed scheme has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity.
- The external treatment of the proposed houses has been designed to provide a large variety of traditional designs around the development and which seeks to compliment the design and appearance of the local vernacular.
- Additional planting on the site's boundaries will provide sympathetic views onto the development proposal, whilst also enabling it to integrate well with the surrounding countryside.
- Of particular design importance is the house type which has been designed to imitate a traditional barn (House Type K). This house type has been located at the south-east corner of the site. The area of the site most visible from the open countryside beyond. The house type has been specifically designed to limit the impact of the development proposals on the adjacent AHLV.
- The design of the proposals will result in a high quality local environment for residents, with appropriate levels of private amenity space for new residents of the development and existing residents who neighbour the site.
- We consider the quantum of development proposed will deliver a high quality residential development whilst ensuring an efficient use of previously developed land.
- The high quality, bespoke, design of the proposals will deliver an enhanced streetscape and improving views onto the Village from the surrounding landscape to the east.

6.6 In conclusion, it is our clear view that the development proposals will contribute positively to the area; are of a high quality and inclusive design and have been designed to integrate with the existing natural and built environment. The bespoke design will respect the character of the site and its surroundings with regard to scale, layout, building styles and materials. The development will contribute towards creating an attractive and sustainable neighbourhood which complies with national and local planning policy guidance in respect of design.

6.7 The development proposals can therefore be considered to comply with the planning guidance presented in Paragraphs 56, 57, 61 & 65 of the NPPF and Policy SP16 of the Ryedale Local Plan Strategy.

Landscape Impact

6.8 With regards to the site's location outside of the defined settlement limits of Thornton le Dale and within the AHLV, Paragraph 109 of the NPPF identifies that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy SP13 of the Ryedale Local Plan encourages new developments which

contribute to the protection and enhancement of the District's landscape character. The policy identifies that outside of those landscapes of the District which are protected by national landscape designations, the Council will carefully consider the impact of development proposals.

6.9 The development proposals will protect and enhance the landscape character of Thornton le Dale and its surrounding areas on account of the following: -

- Though the site is located in a designated AHLV, the site itself has no current landscape value.
- The site's current appearance on an important approach into the Village has an adverse impact on the character of the settlement; views onto the settlement from the Area of High Landscape Value beyond the site; and views from the National Park from the north.
- The site's current negative visual impact on the character and appearance of the settlement, AHLV and National Park will only worsen should an appropriate alternative development not be supported.
- The development proposals will seek to retain the site's valued trees and landscape, the majority of which are located on the site's eastern and southern boundaries.
- The proposed dwellings will be set within a green infrastructure framework, replicating the character of existing views onto the site from the east and south. Resulting in a preservation of the site's role within the wider AHLV.
- It is believed that the development proposals will improve views onto the site from the north, which currently consist of direct views of the rear of Easthill House.
- The existing site contains areas of landscaping around the perimeter including a number of trees and hedges on the eastern boundary. This hedge will be retained and reinforced with additional plants where necessary.
- Additional planting will provide sympathetic views onto the development proposal, whilst also enabling it to integrate well with the surrounding countryside.
- The high quality, bespoke, design of the proposals will deliver an enhanced streetscape and improving views onto the Village from the surrounding landscape to the east.
- Of particular design importance is the house type which has been designed to imitate a traditional barn (House Type K). This house type has been located at the south-east corner of the site. The area of the site most visible from the open countryside beyond. The house type has been specifically designed to limit the impact of the development proposals on the adjacent AHLV.
- The submitted Arboricultural Pre-Development Report has assessed the effect of the development upon the existing landscaping at the site. The conclusions of the assessment have been used to guide the design of the development proposals, with the aim of producing a layout that integrates existing trees of suitable quality where at all possible.

6.10 It can therefore be concluded that the development proposals have the potential to enhance the landscape character of the area and thus can be considered in accordance with the guidance presented in Paragraph 109 of the NPPF and Policy SP13 of the Ryedale Local Plan Strategy.

Sustainable Design

- 6.11 Paragraph 95 of the NPPF identifies that new developments should support energy efficiency through adopting nationally described sustainable design standards. In addition, Policy SP18 of the Ryedale Local Plan Strategy expects developers to demonstrate how any new developments play a key role in reducing carbon emissions and improving building sustainability.
- 6.12 If necessary, and in order to achieve the requirements of the building regulations, the development will be adapted to facilitate the use of PV panels. In terms of their orientation, the majority of the dwellings have been located so that either the south or south west-facing roof of every dwelling can be constructed with photovoltaic panels to provide electricity.
- 6.13 The development proposals can therefore be considered to comply with the policy context set out within Paragraph 95 of the NPPF, alongside Policy SP18 of the Ryedale Local Plan Strategy.

Highways, Access and Connectivity

- 6.14 Paragraph 30 of the NPPF identifies that support should be given to patterns of development which reduce congestion and facilitate the use of sustainable modes of transport. Paragraph 32 identifies that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 95 further identifies that new developments should be located in ways to reduce greenhouse gas emissions. At the local level, Policy SP16 of the Ryedale Local Plan Strategy states that developments should facilitate access by sustainable modes of travel, including public transport, cycling and walking. Policy SP20 further identifies that access and movement within development sites should not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.
- 6.15 We believe that the application site is situated in a sustainable and accessible location for the following reasons: -
- A variety of facilities that could provide for the day to day needs of residents are located approximately 1.75km from the site within the centre of Thornton le Dale. The site is also approximately 1.17km from the All Saints Church of England Primary School.
 - Local bus stops are located within approximately 100m of the site on the A170.
 - The development proposals will seek to improve connectivity between the site and local facilities in the village, either by improvement of the current footway on the opposite flank of the A170, or the provision of a nearside footway by the conversion of the existing verge.
 - A Technical Statement on Highways Matters prepared by Sanderson Associates (dated October 2016) concludes that, in terms of the proposed development, it is clear that there is little material change in the traffic volumes generated by the proposed development when compared to the site's current use.

- The statement confirms that a suitable access can be provided to appropriate design standards and that there is no requirement for off-site improvements connected with the level of traffic associated with the development.
 - The residual cumulative impact of the development could not be considered to be severe and there should not be any highway reasons why this development should not gain planning permission.
- 6.16 Overall, it is our view that the application site is situated in a sustainable location. The proposals represent an opportunity to create a well-connected residential development. Services and facilities are all accessible by walking, cycling and public transport.
- 6.17 The development proposals can therefore be considered to comply with the guidance presented in Paragraphs 30, 32 and 95 of the NPPF and Policies SP16 & SP20 of the Ryedale Local Plan Strategy.

Biodiversity/Arboriculture

- 6.18 Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity through encouraging opportunities to incorporate biodiversity in and around developments. Policy SP14 of the Ryedale Local Plan Strategy identifies that the loss or harm to nature conservation features should be avoided or mitigated.
- 6.19 The site's areas of biodiversity value relate to its existing arboricultural features. The submitted Arboricultural Pre-Development Report has assessed the effect of the development upon the existing landscaping features at the site. The results of the assessment have been used to guide the design of the development proposals, with the aim of producing a layout that integrates existing trees of suitable quality where at all possible. Crown spreads and root protection areas will be respected with adequate space afforded for future development as the trees mature. A significant proportion of the trees on the site, notably those located within the site's western half, are not of a quality that requires protection. It is proposed that an Arboricultural Impact Assessment will be conditioned to any approval of the site, as will an Arboricultural Method Statement.
- 6.20 Accordingly, it can therefore be concluded that there are no ecology/biodiversity matters that would render the development proposals unsustainable in the context of Paragraph 118 of the NPPF and Policy SP14 of the Ryedale Local Plan Strategy.

Flood Risk & Drainage

- 6.21 Paragraph 100 of the NPPF identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy SP17 of the Ryedale Local Plan Strategy identifies that flood risk will be managed by requiring the use

of sustainable drainage systems and techniques and through undertaking a risk based sequential approach to the location of new development by guiding it to areas with lower probability of flooding.

- 6.22 There are no known constraints in terms of flooding or drainage. The site is not considered to be at risk from flooding as highlighted by its location in Flood Risk Zone 1 on the Environment Agency's National flood risk maps.
- 6.23 The foul drainage from the dwellings will be pumped to the existing sewer connection located on Wilton Road/A170 to the north of the site.
- 6.24 Due to the levels across the site which generally fall from north to south, the surface water will be collected in oversized concrete pipes under the adopted road. It is proposed that the surface water will feed into the internal drainage board network located to the south of the site. The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30yr storm conditions and to ensure that a 1 in 100yr event does not surcharge the site drainage system and can be stored on site without risk to people & property.
- 6.25 We can confirm that the applicant would accept appropriately worded conditions in respect of the provision of detailed drainage designs prior to the commencement of development. Accordingly, it can therefore be concluded that there are no drainage or flood risk matters that would render the development unsustainable in the context of Paragraph 100 of the NPPF and Policy SP17 of the Ryedale Local Plan Strategy.

Geology & Ground Conditions

- 6.26 Paragraph 109 of the NPPF identifies that the planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution or land instability and by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Policy SP17 of the Ryedale Local Plan Strategy states that land resources will be protected and improved by remediating and restoring contaminated land where identified and through prioritising the use of previously developed land and protecting the best and most versatile agricultural land.
- 6.27 The development site is characterized as previously developed land.
- 2.52 The submitted Ground Investigation Report identifies that the site inspection and trial holes undertaken at the site revealed no significant signs of poor ground conditions. The report states that should any future groundworks of the proposed development expose any potential poor

ground conditions or buried structures, Rawcliffe Associates Ltd should be contacted to obtain advice and a course of remedial action. We anticipate that an appropriately worded planning condition could be attached to any potential approval of the development.

- 6.28 Accordingly, it can therefore be concluded that there are no geology or ground contamination matters that would render the development proposals unsustainable in the context of Paragraph 109 the NPPF and Policy SP17 of the Ryedale Local Plan Strategy.

Environment Role Summary

- 6.29 The evidence provided above clearly identifies that development of the application site would comply with the environmental role of sustainable development as prescribed by the NPPF.
- 6.30 The development proposals will ensure the protection of the area's natural and built environment through the delivery of a high quality and sympathetically designed scheme situated in a sustainable location. The proposed development will therefore not have an adverse impact on the local environment.

7.0 NPPF SUSTAINABLE DEVELOPMENT & DELIVERABILITY ASSESSMENT CONCLUSION

7.1 The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The evidence provided in the sections above establish the contribution that the development proposals can make towards achieving the three mutually dependent dimensions of sustainable development. It has identified the following: -

- **An economic role** – the development proposals will deliver economic investment through the delivery of twenty-six bespoke high quality homes in the District, creating new direct and indirect employment opportunities and providing substantial community infrastructure levy payments.
- **A social role** – the development proposals will support strong, vibrant and healthy communities, by contributing to the identified housing needs of the area through the delivery of market homes and affordable homes on site.
- **An environmental role** – the development proposals will contribute to protecting and enhancing the natural, built and historic environment of the area through the delivery of a sympathetically designed scheme which has the potential to preserve and enhance the landscape character of the area.

7.2 The development of the application site in the manner proposed will fully accord with the economic, social and environmental dimensions of sustainable development, as prescribed by the NPPF. It also complies with each of the relevant local planning policies.

7.3 In accordance with Footnote 11 of Paragraph 47 of the National Planning Policy Framework, we believe that the site can be considered a **Deliverable** residential development site on account of the facts that: -

- The site is located in a **suitable** location for residential development now. The development proposals are situated in a suitable and sustainable location in respect of connectivity to existing services and there are no technical or environmental (built and natural) constraints that would preclude the development of the site.
- The site is **available** for development now. The site is available for residential development as there are no legal or ownership constraints and as the landowner has made the land available for development.
- The site can also be considered **achievable** as the applicant is committed to delivering new homes on the site within the next 5 years.

7.4 The site can be considered a deliverable residential development site and its release would provide several benefits to the local area as identified above.

7.5 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies contained within it constitute the Government's view of what sustainable development in England means in practice for the planning system. The evidence provided in this statement has demonstrated that when assessed against national

and local planning policies, on either an individual basis or in combination, the development proposals fully comply with planning guidance in respect of sustainable development.

- 7.6 Therefore, on account of the guidance presented within Paragraph 14 of the NPPF, and the presumption in favour of sustainable development, it is our view that the development proposals should be approved without delay.

8.0 SUMMARY & CONCLUSIONS

- 8.1 The development proposals seek to deliver 26 new, bespoke, homes on previously developed land and in keeping with the existing settlement form of the Village envelope. The development would make an important contribution to the housing needs of the District.
- 8.2 The development proposals will deliver a number of economic and social benefits associated with the delivery of new market and affordable homes.
- 8.3 The high quality, bespoke, design of the proposals will deliver an enhanced streetscape and improve views onto the Village from the surrounding landscape to the east.
- 8.4 The proposed development has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity.
- 8.5 The site's current appearance on an important approach into the Village has an adverse impact on the character of the settlement; views onto the settlement from the Area of High Landscape Value beyond the site; and views from the National Park from the north.
- 8.6 The site's current negative visual impact on the character and appearance of the settlement and AHLV will only worsen should an appropriate alternative development not be supported.
- 8.7 The evidence provided in this statement has demonstrated that when assessed against national and local planning policies, on either an individual basis or in combination, the development proposals fully comply with planning guidance in respect of sustainable development.
- 8.8 Therefore, on account of the guidance presented within Paragraph 14 of the Framework, the presumption in favour of sustainable development, it is our view that the development proposals should be approved without delay.

Design and Access Statement

Housing development on land at Easthill Farm, Wilton Road, Thornton le Dale, Pickering, North Yorkshire, YO18 7QP

Introduction

This Design and Access Statement has been prepared in support of an application for planning approval, submitted to Ryedale District Council, for the demolition of the existing buildings, the construction of twenty six 2-storey dwelling houses with a mixture of integral or detached garages and private garden/amenity space to the front and rear and an adoptable estate road to provide access to the individual dwellings.

The proposed dwellings on the site are to include 9 detached dwellings, 10 semi detached dwellings and 7 terraced dwellings with 9 of these dwellings to be low cost affordable homes for local residents.

The proposed scheme has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity. In doing so it also ensures, importantly, that the application proposals accord fully with all relevant planning policy.

In terms of planning policy the principal policy documents relevant to the proposed development comprise the National Planning Policy Framework and the Ryedale Plan which comprises two parts, The Local Plan Strategy was adopted in September 2013 and the Local Plan Sites Document which is currently being prepared. Please see Supporting Planning Statement by Paul Butler Planning submitted with the planning application.

Site description and history

The site, which is approximately 0.95 hectares in area, is located within a predominantly residential area and is currently run as a self catering lodge and apartment business. The site is located at Ordnance Survey co ordinates 484320E and 483141N

The site is currently accessed from Wilton Road (A170) to the east side of the village and is a large farm house type dwelling with wooden chalet type buildings to the rear, gardens and large car parking area to both sides of the farmhouse and to the rear of the property. To the east and south of the site are open fields with residential buildings beyond, to the west of the site are detached, terraced and semi detached houses with detached houses.

The site is currently run as a self catering holiday lodge and apartment business. The current owners have tried to sell the business as a going concern. They like others in the area struggle to sell this owner/ occupier lifestyle business. The current owner is wanting to retire from the business due to ill health. †The original buildings are to be demolished to allow for the redevelopment of the site which is currently unoccupied.

Principle of Development

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which is seen as a golden thread running through both plan-making and decision-taking. In terms of the application proposal paragraph 49 confirms that *'housing applications should be considered in the context of the presumption in favour of development'*. In seeking to establish this pro-active approach to development the NPPF confirms that its Core Planning Principles requires local planning authorities to:

- *'encourage the effective use of land by reusing land that has been previously developed, providing that it is not of high environmental value;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'*

In light of the above and, discussions have been held with the planning officers from the Local Authority, we look to establish the principle of residential development on the site.

The grant of planning consent will allow the opportunity for the applicant to progress with the proposals for the redevelopment of the site.

Design, Scale and Layout

One of the NPPF's 12 core planning principles underpinning both plan-making and decision-taking aims to ensure that planning should

'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Section 7 of the NPPF is dedicated to requiring good design and advises that:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

Chapter H of the Ryedale Plan also requires good quality design with any development proposals. In terms of the former this advises that:

All development proposals will:

Provide a quality residential environment that reflects local distinctiveness in terms of location, scale, proportions, layout, materials, design, relationship to the street and size of plot and would maintain or enhance the character of the settlement. In addition, the density of the development would avoid the inefficient use of land whilst respecting local character;

In light of the policies highlighted above, with the NPPF and Ryedale Plan emphasising the importance of high quality design with new developments generally, the development scheme the subject of this planning application has been formulated, in close liaison with the Council's planning officer, in order that it accords fully with planning policy in all respects.

In terms of the layout and scale of the proposed development, the proposals comprise 26no 2-storey houses set around an adopted access roadway with 5no houses fronting onto the A170.

It is proposed to provide a mix of dwelling types within the development and they will be as follows:

- Two semi detached two bedroom dwellings (low cost affordable dwellings)
- One terraced two bedroom dwellings (low cost affordable dwellings)
- Six terraced three bedroom dwellings (low cost affordable dwellings)
- Four semi detached three bedroom dwellings
- Four semi detached four bedroom dwellings
- Three detached three bedroom dwellings
- Six detached four bedroom dwellings

The plot sizes for each dwelling are commensurate with the existing arrangement of housing in the vicinity of the site and the proposed layout will provide each dwelling with rear private garden areas which are a minimum of 9m in depth.

The external treatment of the proposed houses will include door canopies, porches, chimney stacks and varying traditional window designs with stone/brick lintels and stone cills to provide a large variety of traditional designs around the development and which seeks to compliment the design and appearance of the local vernacular.

The houses are to be fronted predominantly with natural stonework with a small number of dwellings having new facing brickwork which will be complemented with either stone lintel, arched stone lintels of brick soldier course lintels to the windows and doors and with stone projecting cills together with timber framed porches and door canopies (plain tile covered). The windows will be painted timber double glazed frames and the doors will be composite doors in painted timber frames

The houses will have either parapets with stone copings and footstone detailing or flush pointed gable verges and the eaves of the houses are to be provided with half round black cast iron look guttering fixed to the walls by means of gutter spike brackets and all of the roofs to the development will be covered using natural clay pantiles or slates to local authority approval.

Landscaping

The existing site contains areas of landscaping around the perimeter including a number of trees and hedges on the eastern boundary. This hedge will be retained and reinforced with additional plants where necessary.

It is the applicant's intention to provide landscaped gardens at the rear of the houses including close boarded timber fences between the individual dwellings. Flagstone paving will be provided within the garden areas with paths to the refuse store area.

An Arboricultural Impact Assessment has been prepared to assess the effect of the development upon the existing landscaping at the site and a copy is attached to the application for consideration.

It is the client's intention to provide a stone wall to the front of the site along the northern boundary. The wall will be traditional in appearance.

Additional areas of landscaping will be provided to the western boundary between the existing dwellings and the new development and also on the eastern elevation of the site, to enhance the current screening to the site, the number and nature of the planting scheme to be decided.

Land Contamination Assessment

The development will not cause pollution to the air, water or land and is not on, or near potentially contaminated or unstable land and therefore complies with the requirements of the Local authorities policies.

Housing Mix and Affordable Housing Requirements

The proposals, the subject of this planning application is for the construction of twenty six 2-storey detached dwelling houses with a mixture of integral or detached garages and private garden/amenity space to the front and rear.

Ryedale Local Plan policies states that the Council will seek an appropriate mix of housing on all housing sites and this policy is complied with by the provision of nine house types for the development. With each house type having a different mix of materials, with the use of brick and stone and slate and clay pantile roofing materials and different window types.

Ryedale Plan policy SP3 relates to Affordable Housing and where a local need exists, the Local Planning Authority will seek the provision of new affordable homes by negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units

The local authority seeks to provide 35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale*) as part of developments of 5 dwellings or 0.2 ha or more and the proposed development will provide 9 affordable houses (3 no two bedroom and 6 no three bedroom dwellings).

Waste Audit

A walk over visual survey of the site has been carried out and this survey/ report identified areas of waste on the site prior to any building works commencing.

The survey identified that the site is overlain with areas of concrete and the original buildings which are to be demolished and drainage pipelines below ground. Following demolition works, the materials arising from the demolition and the sub surface materials and the concrete slabs will be excavated and the excavated material stockpiled on site and then crushed and reused as hardcore within the development.

All waste products generated from the development will be sorted and segregated for recycling and will be stored on site in designated skips according to waste type for removal to a licensed waste disposal site as and when required.

Surface water management plan and flood risk in accordance with PPS25

The Environment Agency indicative flood maps have been consulted and they have confirmed that the site is not subject to a risk of flooding and that generally any potential flooding in the area would be from the River Derwent and Thornton Beck on the southern side of the site; The river is approximately 4500m from the site.

The foul drainage from the dwellings will be connected into a new drain/sewer and routed to the southern boundary of the site, where it will be pumped to the north of the site, into the existing foul drainage system.

Due to the levels across the site which generally fall from north to south, the surface water will be collected in oversized concrete pipes under the adopted road. It is proposed that the surface water will feed into the internal drainage board network.

The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30 yr storm conditions and to ensure that a 1 in 100 yr event does not surcharge the site drainage system and can be stored on site without risk to people & property.

Access Statement

The dwellings are all designed in accordance with the most recent Building Regulations and are DDA compliant.

The proposed new houses will be provided with wide entry doors and internal doors to the ground floor together with a level access to the principal entry door and all internal facilities which are required to allow the houses to be fully accessible, as required by current legislation.

The driveways will be level or will have very shallow gradients in accordance with approved document M of the building regulations and will provide a suitable approach from the point of access to the entrance of the house to allow disabled users to be able to gain easy access to the dwellings.

Energy Statement

Harnessing solar power to provide domestic energy and hot water is an efficient way of generating renewable energy. If necessary and in order to achieve the requirements of the building regulations, the development will be adapted to facilitate the use of pv panels, in terms of their orientation, the majority of the dwellings have been located so that either the south- or south west-facing roof of every dwelling can be constructed with photovoltaic panels to provide electricity.

Wherever possible, the house will be constructed in accordance with the principles of the Code for Sustainable Homes, they will exceed the current building regulations and will seek to meet and surpass the Government's requirements for new dwellings.

Transport, Highway and Parking Provision

The site is located in an area which has a range of bus services which serve Thornton le Dale and connect the town with Leeds, Scarborough, York, Helmsley and Malton together with intermittent services to Whitby and the coast south of Scarborough

Vehicle access to the site is as shown on the submitted plans, and the position of the access to the site on the northern boundary has been discussed and agreed

with the highways officer. The access road radii at the junction with the A170 will be 6 metres and the access verge crossing will include dropped kerbs with tactile paving to maintain pedestrian, cycle and vehicle access to this part of Thornton le Dale.

A footpath along the western boundary of the site will be provided from the new access road to connect the site to Thornton le Dale for pedestrians.

Ample access will be provided for emergency and refuse vehicles along the proposed access road within the site which is 5 metres in width and a hammerhead turning area will be provided to the access roadway to allow emergency services, refuse vehicles etc to enter and leave the estate road in a forward gear.

The parking arrangements are indicated on the submitted site layout drawing and every house has either a garage and parking or at least one additional off-street parking space.

Conclusion

This statement has been prepared in support of an application for planning approval for the construction of 26 detached dwelling houses.

The planning policy context outlined above makes reference to the requirement of both the NPPF and the Council's Development Policies to formulate a scheme which is not only of a high quality design in its own right, but also preserves and enhances the character and appearance of the surrounding area. It is the applicant's view that this has very much been achieved with the scale, form and external appearance taking full account of the local vernacular.

In light of the above it is respectfully requested that officers support applications for planning approval for this housing development.

147 Design Limited
51 High Street
Stokesley
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GH

16/01947/mfu - No objection.
stat.

Thornton le dale Parish Council

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- 9 JAN 2017

DEVELOPMENT
MANAGEMENT

Ryedale District Council (Planning)
Ryedale House
Old Malton Road
Malton
North Yorkshaire
YO17 7HH

4th January 2017

Dear Sir or Madam

Thornton Le Dale Parish Council discussed the following planning applications on the 3rd January 2017 and made the following observations.

Applicant: Mr C Bosomworth 16/01996/HOUSE
Address: Willow Grange, Hurrell Lane
Application: Erection of two storey extension to north and east elevations and conservatory to south elevation following demolition of existing entrance lobby.

All Councillors were in favour of this application.

Applicant: Mr Verity 16/01965/FUL
Address: Midsummer Cottage, Thornton Lane, High Marishes
Application: Change of use of existing holiday cottage to form a one bedroom dwelling for permanent residential use together with formation of 2 vehicular accesses – one to access the dwelling and the other to access the associated agricultural buildings to the rear of site.

All Councillors objected to this application. They considered the new vehicular access too close to the bridge.



Applicant: Mr D Warrington 16/01947/MFUL
Address: Easthill, Wilton Road
Application: Erection of 9 no. Four bedroom dwellings, 13 no. Three bedroom dwellings and 4 no. Two bedroom dwellings with associated garaging, parking, amenity areas and formation of vehicular access to include demolition of existing dwelling and buildings

All Councillors were in favour of this application.

Yours faithfully

M W Boden Clerk

Agenda Item 10

Item Number: 10
Application No: 16/02004/MFUL
Parish: Marton Parish Meeting
Appn. Type: Full Application Major
Applicant: Mr A Turnbull
Proposal: Erection of a general purpose agricultural building for storage and housing of livestock to adjoin north elevation of existing agricultural building
Location: Whitethom Farm Marton YO62 6PF

Registration Date:
8/13 Wk Expiry Date: 21 March 2017
Overall Expiry Date: 23 March 2017
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Public Rights Of Way	No views received to date
Parish Council	No views received to date
Highways North Yorkshire	No objection
Parish Council	No views received to date

Neighbour responses:

SITE:

Whitethom Farm is an established farmstead located within the wider open countryside, approximately 1.4 kilometres to the north west of the village of Normanby, 1.5 kilometres to the south west of the village of Marton. The site is accessed off Malton Road. There is a Public Right of Way that runs through the main farmstead (a bridleway) east/west west/east. A footpath runs north/south south/north to the north of the farmstead, with a further bridleway to the south of the farmstead running north/south south/north.

PROPOSAL:

Erection of a general purpose agricultural building for storage and housing of livestock to adjoin north elevation of existing agricultural building.

The application is to be determined by Planning Committee as the floor area of the building exceeds 1000 square metres (1042 square metres). The proposed building will measure 42.7 metres in width, 24.4 metres in depth, 4.9 metres to the eaves and 8.5 metres to the ridge. It will be constructed of concrete panels up to 2 metres with Yorkshire Board cladding above this, with dark grey fibre cement roof sheets.

HISTORY:

The planning history at the site includes:

- 07/00582/AGNOT - Agricultural notification determined and granted 19.07.2007 - Erection of open-sided dutch barn for storage of hay and straw
- 16/01685/AGNOT - Agricultural notification determined and granted 16.11.2016 - Erection of a general purpose agricultural storage building

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP9 - Land Based Rural Economy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

National Planning Policy Framework (NPPF) (2012)

Chapter 3. Supporting a prosperous rural economy

National Planning Policy Guidance (NPPG)

APPRAISAL:

The main considerations in relation to this application are

- i. The Principle of Development
- ii. Size, scale and design of the proposed building
- iii. Impact upon the wider open countryside landscape
- iv. Highway safety
- v. Impact upon neighbour amenity
- vii. Other matters
- viii. Conclusion

i. The Principle of Development

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan – Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore, Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework is supportive of sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings.

The agent has stated the following with regard to the agricultural enterprise:

The applicants are mainly cattle and pig farmers with arable land. They farm about 380 acres of arable and grassland surrounding the farm at Whitethorn with all work done by Mr Turnbull and his son. They have approximately 120 suckler cows which calf all year around with an additional 110 fattening and store cattle on farm at all times. All 200 plus cattle are housed, calved and fattened at the farm. They currently have 280 bed and breakfast pigs on the farm which are housed in cattle buildings when stock are at grazing or between calving patterns. The proposed building will not only be used for machinery, hay and straw storage but will be used for calving cattle, store cattle (after weaning age) and bed and breakfast pigs when cattle are at grazing.

It is considered that the principle of an agricultural storage building and housing of livestock in this location and within the farmstead is considered acceptable.

ii. Size, scale and design of the proposed building

This siting of the proposed building would be read in the context of existing agricultural buildings within the site, as it will adjoin a building that was approved under the 2016 Agricultural Notification to the immediate south. The ground works for this building have been completed, but it is yet to be erected.

The proposed building is of a similar scale to the existing buildings within the farmstead in terms of height, depth and width. The design of the building is typical of a modern agricultural building, comprising enclosed sides under a pitched roof. The Yorkshire Boarding and dark grey roof will also ensure that the building will be integrated into the surrounding landscape and relate to the existing buildings on the site.

In view of the proposed building being within close relationship to the existing agricultural buildings on the site along with its Yorkshire Boarding and dark grey roof colouration, the development is considered to be acceptable in this location.

iii. Impact upon the wider open countryside landscape

Policy SP 13 (Landscapes) of the Ryedale Plan - Local Plan Strategy states:

Landscape Character:

Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- Visually sensitive skylines, hill and valley sides*

There will be limited, distant views of the proposed building from Malton Road. There will be closer views of the proposed building from the Public Rights of Way that are in close proximity to the farmstead and run through the farmstead. However, these views of the building will be within the context of an established group of buildings and the proposal is not considered to be detrimental to the character of the wider open countryside.

iv. Highway safety

The Highway Authority considers the existing vehicular access onto Malton Road to be acceptable, and has no objection to the proposal.

There is a Public Right of Way that runs through the main farmstead (a bridleway) east/west west/east. A footpath runs north/south south/north to the north of the farmstead, with a further bridleway to the south of the farmstead running north/south south/north. However, the proposed building will not impinge upon these Public Rights of Way.

v. Impact upon neighbour amenity

The closest residential property to the site (not within the applicants ownership) is Greenacres, approximately 250 metres to the east of where the proposed building will be sited. The property of Greenacres was approved as an agricultural workers dwelling in 1986. However, in 1998, approval was granted to retain the dwelling of Greenacres without compliance with agricultural occupancy condition.

The proposed building is not considered to have a material adverse effect upon the amenity of the property of Greenacres. This is in terms of being overbearing in presence, cause loss of light or loss of privacy. It is noted that the building will house some livestock including calving cattle, store cattle (after weaning age) and bed and breakfast pigs when cattle are at grazing. There is the potential for the livestock to cause issues regarding noise and odour. However, the applicants operate an established agricultural livestock enterprise, with there currently being a number of livestock being housed on the site. The manure from the livestock will be stored within the proposed building and will then be spread on the applicants land which is considered acceptable in this location. If there are any future complaints regarding noise and odour will be dealt with by Environmental Health Officers.

The proposal is therefore considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

There has been no response from the occupier of Greenacres or any other third parties with regard to the proposal.

vii. Other matters

There has been no response from the Parish Council with regard to the proposal.

viii. Conclusion

In light of the above considerations, the erection of a general purpose agricultural building for storage and housing of livestock is considered to satisfy the relevant policy criteria outlined within Policies SP9, SP13, SP16, SP19 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

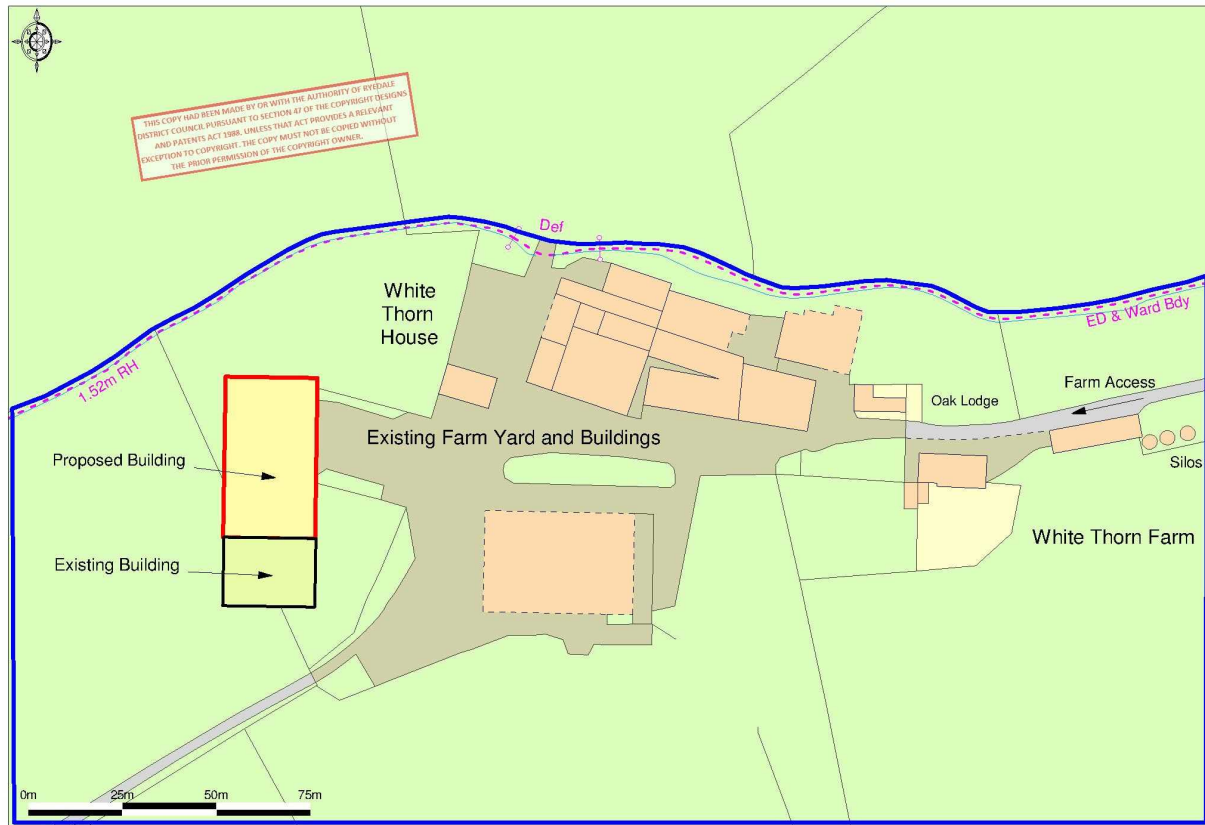
SITE LAYOUT PLAN - AW & A Tumbull - dated 20th December 2016.
FLOOR PLAN AND ELEVATIONS - Scale 1:200 dated 20th December 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

White Thorn Farm, Rookbarugh, Near Kirkbymoorside



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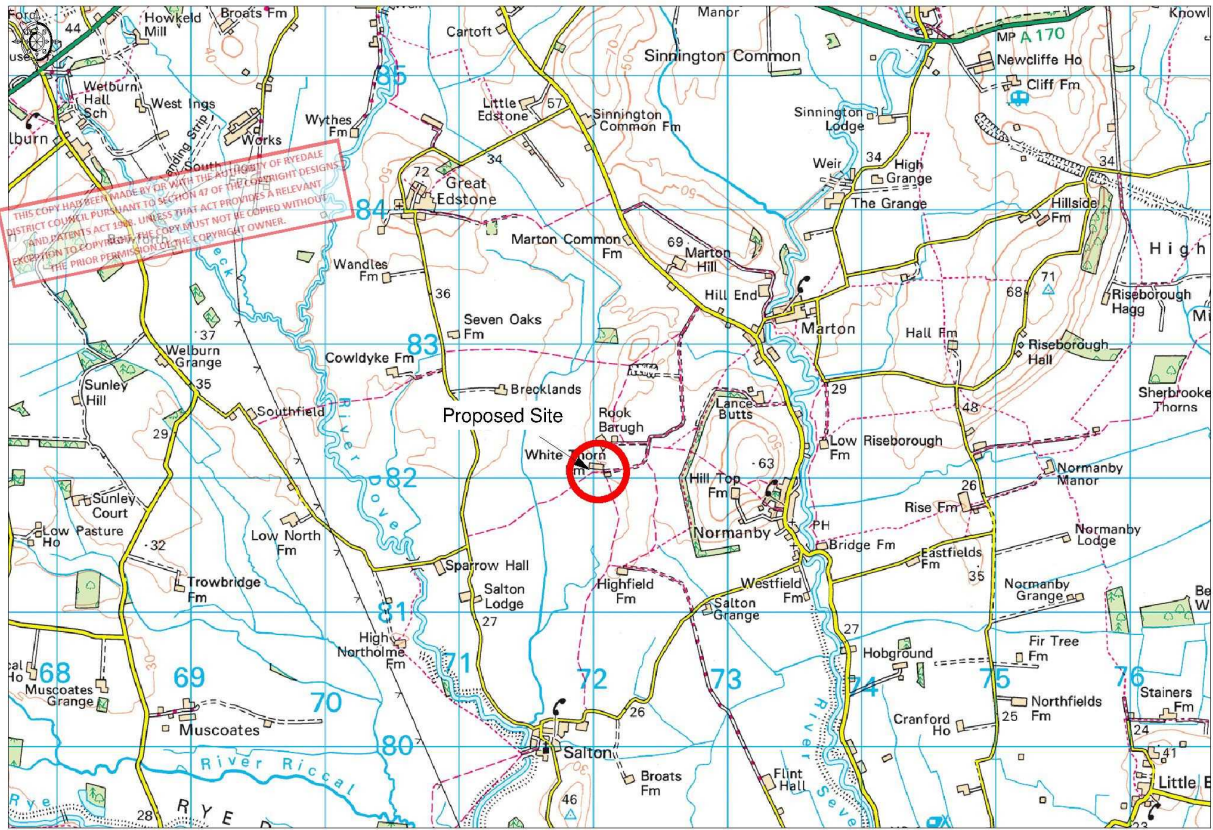
Ordnance Survey © Crown Copyright 2016. All rights reserved. Licence number: 100020432. PlotGrid Scale: 1:1250

Applicant - AW & A Turnbull

DATE VALID
20/12/16



White Thorn Farm, Rookbarugh, Near Kirkbymoorside - Location Plan

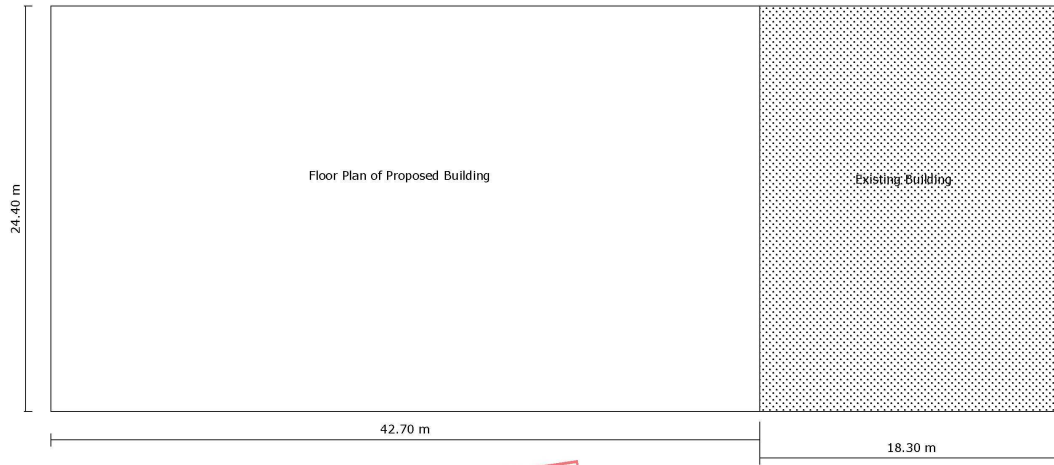


Distance Survey © Crown Copyright 2016. All rights reserved. Licence number: 100023432. Project Scale: 1:25000

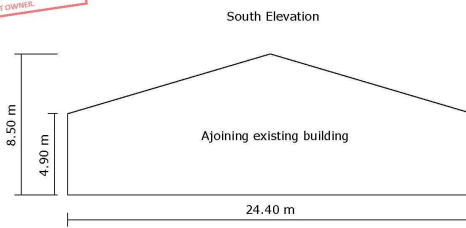
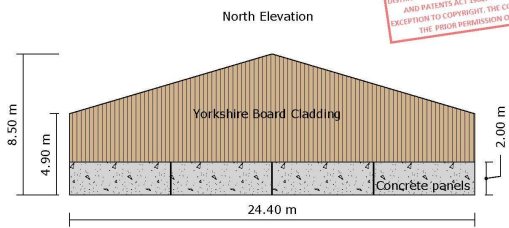
Applicant - AW & A Turnbull

DATE VALID
20/12/16

Cundalls



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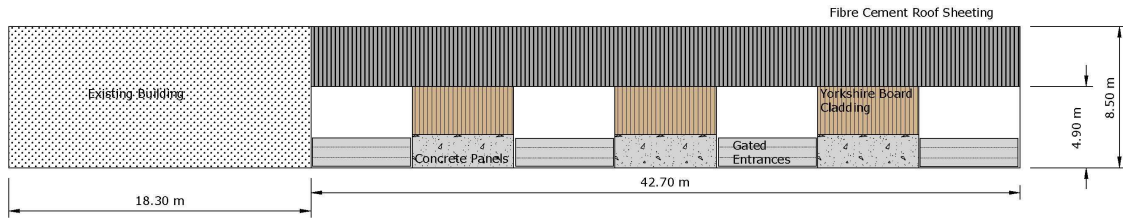


Date: December 2016
 Ref: WFT/AW & A Turnbull
 Description:
 Planning Application Plans for
 Proposed building at Whitethorn
 Farm, Rookbarugh, Marton
 Scale: 1:200

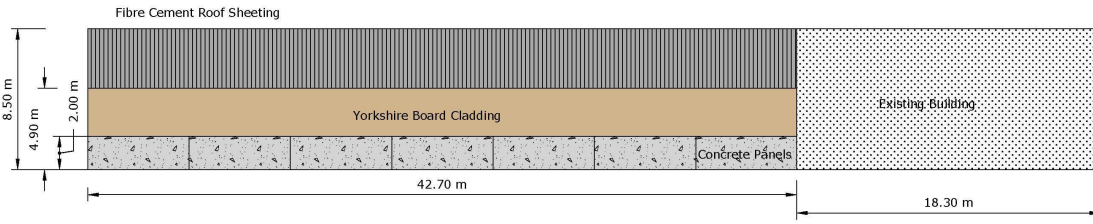


DATE VALID
20/12/16

East Elevation



West Elevation



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Date: December 2016

Ref: WFT/AW & A Turnbull

Description:

Planning Application Plans for Proposed building at Whitethorn Farm, Rookbarugh, Marton

Scale: 1:200



DATE VALID 20/12/16

Cundalls

15 Market Place, Malton, North Yorkshire, YO17 7LP
t. 01653 697820
malton@cundalls.co.uk
www.cundalls.co.uk

DESIGN AND ACCESS STATEMENT

PROPOSED EXTENSION TO EXISTING AGRICULTURAL BUILDING

AT

Whitethorn Farm
Rookbarugh
Marton
Kirkbymoorside
North Yorkshire

APPLICANT: AW & A Turnbull

December 2016

APPLICATION DETAILS

Applicant:	Mr A Turnbull
Applicants Address:	Whitethorn Farm, Rookbarugh, Marton, Kirkbymoorside, YO62 6PF
Applicants Agent:	William Tyson BSc (Hons) MRICS FAAV, Cundalls Chartered Surveyors
Agents Address:	Cundalls, 15 Market Place, Malton, North Yorkshire, YO17 7LP
Site Address:	Whitethorn Farm, Rookbarugh, Marton
Application Title:	Full planning application for the extension of an existing building
Application Type:	Full Planning Application
Application Date:	December 2016
Location:	Whitethorn Farm, Rookbarugh, Marton
Proposed Use:	Agriculture
Reason for Proposal:	Essential need for further general purpose agricultural storage at the holding
Parking:	Vehicle and pedestrian access to the new building will be via the existing private access.
Foul Water:	The building will have a natural soak-away drainage system for clean water and any dirty water will remain separate and will be directed into the existing farmyard drainage system.
Size:	Overall area of the proposed extension is 1,042 square meters
Dimensions:	building dimensions: <ul style="list-style-type: none">• North elevation = 24.4m• South elevation = 24.4m• West elevation = 42.7m• East elevation = 42.7m

INTRODUCTION

This planning application seeks planning approval for the extension of an existing agricultural building to provide much need additional undercover housing for livestock and other farm produce and machinery. The building will be constructed of materials customary to the area and has been specifically designed to sit comfortably within the farmstead at Whitethorn Farm

AMOUNT

The amount of the development is the erection of an agricultural building. The proposed building extends to:

- North elevation = 24.4m
- South elevation = 24.4m
- West elevation = 42.7m
- East elevation = 42.7m
- 8.5m ridge height and 4.9m eaves height

USE

The building will be used for general agricultural purposes including housing livestock, storing machinery, feed, grain and other farm produce.

LAYOUT

The building will provide much needed standard agricultural storage and has no material adverse effect upon existing amenities or surrounding properties.

The building will have no adverse effect on the wildlife value or natural environment surrounding.

SCALE

The building will be a single story unit of 1,042 square meters. The building has been specifically designed to mirror other steel portal framed buildings within the area and will mirror the building which it will extend.

LANDSCAPING

The development will have no effect whatsoever on existing hedgerows or shrubs lying adjacent to the proposed site.

APPEARANCE

The external appearance of the building is steel portal framed with brown Yorkshire board cladding, grey concrete panels and a dark grey fiber cement roof.

VEHICLE ACCESS

The proposed vehicle access will be via the existing access. This will not have a detrimental impact on the safety of pedestrians and/or other road users or the free flow of traffic upon the highway network as it is a private roadway.

MANURE MANAGEMENT

Any farm yard manure produced from the proposed new building will be stored in the building until being spread on the applicants own agricultural land.

All manure will be spread on agricultural land during correct spreading conditions in accordance with the applicants Farm Assurance Scheme regulations and The Basic Farm Payment Scheme Cross Compliance guidance.

Agenda Item 11

Item Number: 11
Application No: 16/01165/73A
Parish: Marton Parish Meeting
Appn. Type: Non Compliance with Conditions
Applicant: Mr Colin Coote
Proposal: Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition)
Location: The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

Registration Date:
8/13 Wk Expiry Date: 13 September 2016
Overall Expiry Date: 22 August 2016
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Parish Council No objection

Neighbour responses: R Chambers,

SITE:

The application site is located to the western side of Back Lane Marton to the south of another dwelling known as Rise Lea. To the west of the site is The Gables and its associated farmstead.

The Quarrels is located in open countryside outside of the 'saved' village development limits as identified in The Ryedale Local Plan.

PROPOSAL:

This application seeks planning permission for the removal of Condition 07 of approval Ref. 3/85/38A/FA dated 01.09.1993 which states:

The occupation of the dwelling hereby permitted together with the residential occupation of The Gables shall be limited to persons solely or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or in forestry in the locality, or by a widow or widower of such a person; or by dependents residing with such a person.

HISTORY:

The planning permission in question was granted on 1st September 1993 and was justified on the basis of the need for a second agricultural workers dwelling at the farmstead known locally as The Gables Back Lane Marton

POLICY:

NPPF 2012
NPPG 2014

Ryedale Plan- Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP19 - Presumption in Favour

Paragraph g

(1) The lifting of occupancy restrictions will be carefully considered on a case by case basis. The capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.

(ii) changes in the scale and character of farming/forestry/other enterprise may affect the longer-term requirement for dwellings that are subject to an occupancy condition. For an agricultural occupancy condition to be lifted, up to date documentary evidence provided by an independent consultant will be required showing that there is no demand for the accommodation at its current status. This would be established over a period of at least 12 months through the advertisement of the property by agents specialising in the sale of agricultural land and property in the Ryedale area, with regular advertisement within agricultural journals and local papers. The property advertisement must refer to the existence of the agricultural occupancy condition, and for the property to be priced accordingly.

APPRAISAL:

This application was submitted in July 2016. Whilst the application was accompanied by some information from the applicant there was no indication or any evidence submitted to demonstrate that steps had been taken to advertise the property at a price that reflects the agricultural occupancy condition as ordinarily required by the adopted development plan.

The applicant was advised of this by the case office and also again in writing on 27th October 2016 following a meeting with the case officer and the Head of Planning. To assist Members a copy of the letter of 27.10.2016 is appended to this report setting out the views of officers and a potential way forward.

No further contact was received from the applicant until early January 2017 at which point it became apparent that whilst the applicant had taken some steps with a local estate agent to value the property that no steps at all had been taken to market the property at a price to establish whether or not there is still a need for a dwelling for a qualifying agricultural worker in the locality.

A further email in response to the applicant was sent suggesting that he reconsider his position (see attached copy email). Notwithstanding this advice the applicant he restated his view that he wishes the application to be determined as submitted for the reasons stated in correspondence. The applicant's case can be seen in full on the working planning file and the key documents are also copied for Members information.

The policy position in respect of determining applications to lift occupancy conditions is set out earlier in this report. Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 require that all decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

The applicant has submitted extensive arguments including details of his medical conditions but appears to base much of his case in relation to an earlier decision of the Planning Committee on 3rd June 2014 Ref 13/00880/73A which related to the variation of an agricultural occupancy condition relating to a property in the Parish of Normanby. That particular case was in fact approved by **Committee for the variation** of the existing agricultural occupancy condition and its replacement with a local occupancy condition. The particular circumstances of the case were differed from those put forward in this current case. It is also of particular note that the applicant during discussions has refused to contemplate a variation of the occupancy rather than seeking its complete removal.

In the absence of any exercise to establish whether there remains a local need for the dwelling for an agricultural or forestry worker capable of complying with the condition the current application remains completely at odds with the requirements of the development plan.

Other matters

The application has been the subject of consultation locally and the following responses received.

Occupier of The Gables

"I write to strongly object to Planning Application 16/01165/73A.

The Quarrels, Back Lane, Marton was originally refused as a dwelling on 14.02.1989, but was later approved as an Agricultural Workers Dwelling on 31.01.1992.

I cannot see any justification for the removal of Condition 7 of approval 3/85/38A and I would draw your attention to Policy SP21(g) of The Ryedale Plan - Local Plan Strategy where it is stated that for an agricultural occupancy condition to be lifted, up to date documentary evidence provided by an independent consultant will be required showing that there is no demand for the accommodation in its current status. This would be established over a period of at least 12 months through the advertisement of the property by agents specialising in the sale of agricultural land and property in the Ryedale area, with regular advertisements within agricultural journals and local papers. The property must refer to the existence of the agricultural occupancy condition, and for the property to be priced accordingly. I have seen no evidence of this.

I ask that this Planning Application is either withdrawn until such evidence has been provided to the above or refused."

Marton Parish Council

"With reference to your letter dated 19 July 2016, regarding the application by Mr. Colin Coote of The Quarrels, Back Lane, Marton, I am writing on behalf of the planning committee of Marton Parish Meeting to advise you that we have no objection to the removal of the agricultural occupancy condition. Indeed, given the scarcity of full-time local agricultural employment and the desirability of Mr. Coote being able to find alternative employment, we would actively support this application."

The comments of third parties are raising completely opposite views on the application as submitted. The views of officers however remains strongly of the view that the lifting of the condition on the basis of the current arguments levelled by the applicant is unjustified and clearly contrary to the requirements of the development plan.

In the circumstances the application is recommended for refusal.

RECOMMENDATION: Refusal

- 1 Inadequate justification has been made to warrant the lifting of the agricultural occupancy condition from the dwelling known as The Quarrels Back Lane Marton. In the absence of adequate justification the application is contrary to the requirements of Policy SP 21 of the adopted Ryedale Plan – Local Plan Strategy 2013 and there are no material considerations to warrant a decision other than in accordance with the development plan.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

DER
EVEN

16/01165/73A.
RYEDALE DM

19 JUL 2016
DEVELOPMENT
MANAGEMENT

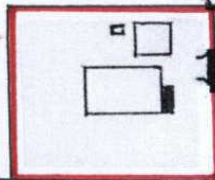
TO
SINNINGTON

MARTON ROAD

THE PINES

RISE
LEA

THE
GABLES



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SITE PLAN

SCALE - 1:1250

SOUTH

RISEBOROUGH

BACK LANE

No Objection

RJS

DATE
29/07/16

Subject: 16/01165/73A The Quarrels, Back Lane, Marton

From: Paul & Sue Styles

Sent: 28 July 2016 16:58

To: Development Management

Subject: Application No: 16/01165/73A

Dear Ms Hood,

With reference to your letter dated 19 July 2016, regarding the application by Mr. Colin Coote of The Quarrels, Back Lane, Marton, I am writing on behalf of the planning committee of Marton Parish Meeting to advise you that we have no objection to the removal of the agricultural occupancy condition. Indeed, given the scarcity of full-time local agricultural employment and the desirability of Mr. Coote being able to find alternative employment, we would actively support this application.

Yours sincerely,

Sue Styles
Parish Clerk

Ryedale District Council
Ryedale House
Old Malton Road
Malton
YO17 7HH

The Quarrels
Back Lane
Marton
Sinnington
YORK
YO62 6RD

22nd February 2017

Dear Mr Housden

Planning Reference 16/01165/73A Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition) The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

I expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I do expect this letter to be added onto the planning website with all of my other letters.

I have assumed the official RDC reply will be provided by Mr Housden. I provided you with my official complaint against RDC's planning department in relation to the above application dated 2/2/17.

My understanding of the 2012-2027 Ryedale Plan and the planning process has allowed me to deal with my own application. The information presented to RDC within my letter dated the 27th September 2016 has not been challenged therefore it has been accepted by RDC as being factually correct.

Precedent

In English Law there is 'case law' which is a term used as 'the law as established by the outcome of former cases'. As is required within English Law, for an established precedent to be binding on a case there has to be sufficient similarities with the merits and issues of both the case being presided over and the case that established 'said' precedent.

I remind RDC planning department that as a matter of fact all planning decisions constitute a precedent, planning decisions are based on interpretation and application of policy and by precedent already set by previous application of planning policy.

While all planning decisions are precedent some do become 'leading cases' or 'landmark decisions' that are available to be cited regularly.

From when I had my site meeting with the planning officer in September 2016 RDC have refused to acknowledge the existence of the 'Established Planning Policy' relating to SP21 of the Ryedale Plan through their Approval decision on the 3/6/2014, such behaviour is inexcusable. I have concluded that this refusal is most likely due to the planning department fearing that this will become a '*landmark decision*' in Ryedale that is cited especially often in support of planning applications to remove agricultural occupancy restrictions from agricultural workers dwellings. If council officials continue to ignore '*established planning policy*' this will further undermine planning policy and confirm these officials are completely unsuitable to retain their employment within RDC.

In my opinion RDC should be obligated to Publicise and Index planning decisions in a way such as by 'category' that would allow easier access for the general public to find any such precedent that expands on the present 'adopted' planning policy. Such Indexing would be a major supplement to the Ryedale Plan and it would allow for greater consistency with planning decision making throughout the lifespan of the Ryedale Plan. It may also deter erroneous behaviour from council officials. Regardless of the whether these decisions are index or not, policy is still established.

My Application

I have always claimed throughout this application that RDC 'Established' a precedent with their 3/6/2014 interpretation, application and decisions with the 'Eastfield Lodge' application and that it was this important single fact that allowed this present application to be made without the need for a 12 month marketing exercise.

This 'established precedent' could be best described as providing a more explicit interpretation and application of policy SP21 than that provided by the actual wording of policy SP21 within the Ryedale Plan.

My understanding of the 'Eastfield Lodge' decision provided on the 3/6/2014 by the councils planning committee confirms the councils stated official interpretation and application of the Ryedale Plan policy SP21 for the lifetime of the Ryedale Plan, which is correctly understood by the 'layman' as now being an 'established planning policy' subject to future applications showing sufficient similarities with the merit and issues of the '*Eastfield Lodge*' application.

I further expand my stated claim of a precedent being set on 3/6/14 when addressing the Eastfield Lodge application.

The planning department stated the following reason in their Appraisal to the planning committee why a 12 month marketing exercise to establish a '*need*' for the property was not required from the applicant of Eastfield Lodge,

"In this particular case this has not occurred. However, this particular application differs from most other similar proposals for the lifting of occupancy restrictions."

The planning department also provide within their Appraisal for Eastfield Lodge to the planning committee the following statement which is a direct reference to SP21 g),

"The policy identifies the criterion when an agricultural restriction may be lifted. Specifically it is imperative that "the lifting of occupancy restrictions will be carefully considered on a case by case basis."

RDC Approved the 'Eastfield Lodge' application without the applicant having to provide a 12 month marketing exercise, this was found to be acceptable practice by both RDC planning officers and councillors as the Appraisal submitted from the Planning Department to the planning committee recommended '*Approval*' thereby providing 'established planning policy' through the Approval decision, there can be no other explanation.

Any fair minded person would surmise from the aforementioned actions of the council when dealing with the '*Eastfield Lodge*' application that this was how the council would respond to all future applications that were sufficiently similar in merit and issues.

The '*Eastfield Lodge*' application did not only provide the decision that established a precedent that removed any claimed mandatory requirement for a marketing exercise (*subject to sufficient similarities between applications*) to be provided before an approval could be provided, it also confirmed how to the planning department would respond to similar applications. RDC planning department supported the 'Eastfield Lodge' application and they identified the difference of said application to that of similar proposals. This precedent had the full support of Mr Housden.

All of the decisions and actions of the planning department and planning committee have been established and can not be overturned or expunged from record. These decisions are established planning policy and where there are sufficient similarities with their own application it is only fair that all applicants have the right to highlight this fact in support of their own applications and relevant established decisions should be binding on the committee. The planning department are attempting to prevent the '*Eastfield Lodge*' decision being used in support of my application.

The planning department are blatantly refusing to accept established planning policy through precedent at their choosing, this confirms without exception that RDC are guilty of using planning policy selectively against individual applicants, I deem this to be discriminatory behaviour and a blatant 'abuse of position' by all those involved throughout the planning process.

RDC planning department have proven 'without doubt' that they are untrustworthy and all of their decisions should be scrutinised by everyone involved.

RDC should be working toward greater consistency with their planning decisions, this can not occur while they refuse to accept all of their planning decisions as 'established planning policy' and while they allow there planning and legal departments to discriminate against individual applicants.

Much more detailed information has been presented to RDC about my application than the detailed information provided for the 'Eastfield Lodge' application.

I have proven 'Without Doubt' to RDC that there are sufficient similarities with the merits and issues between my present application and the 'Eastfield Lodge' application for the 'established planning policy' determined on the 3/6/14 to be binding on both the district council's planning department and planning committee. This proves that there is no requirement for me to prove by a 12 month marketing exercise *'that there is no demand for the accommodation'* as is inferred by SP21 g)(ii).

I challenge RDC planning and legal departments to provide me with information that disputes my claim of these 2 applications having sufficient similarities in merit and issue!

Reply to Mr Housden's email response dated 3/2/17 to my official complaint dated 2/2/17.

1. Mrs Smith represented RDC planning department and applied council policy to fulfil her duties as a planning officer.
2. The advice provided to me by the planning department deliberately ignored 'established planning policy' that was set by precedent on the 3/6/16 that negated the need for me to demonstrate that there in no demand in the locality.....
3. Mr Housden clearly implies that I will be treated differently to the 'Eastfield Lodge' applicant as his recommendation will be *'unfavourable'*. This confirms my previous stated views that there are individuals within RDC that hold a grudge against me and are deliberately attempting to keep me unemployed until I retire in 14 years time to punish me!
4. The claim that there are interested 3rd parties surprises me as my property is not for sale and has never been advertised and no approach to by my property has been made by any 3rd party. The objection from the adjacent Gables Farm owner Mr R Chambers was in all probability made in retaliation to my previous objections and observations I provided to RDC with his 2 previous planning applications, nothing more. My objections were valid and supported by relevant planning policy. The most recent involved replacing a livestock building with a larger newer version. I did not object to this replacement as reported by planning officers, in fact I stated I supported the planning proposal and proposed it was extended, my only objection was in relation to the potential housing of pigs in this replacement building. The prevention of the housing of pigs in said building should have been automatically addressed by the planning department, yet it was ignored. Fortunately I brought this issue to the immediate attention of the planning department and it was finally addressed within the application. Housing of pigs is prohibited in this new building and in all probability Mr Chambers holds me personally responsible for this financial restriction on his business. Regarding my 1st objection to Mr Chambers converting the adjacent garage and brick building to the farmhouse, my objection was based on the fact that the proposed plans constituted a 'self-contained unit'. RDC planning department refused the application as they had same view. It went to appeal where the Inspectorate determined that the proposed application be subject to a planning condition that to prevent it from becoming a *'self-contained'* dwelling and that it would be

- 'Ancillary' to the farmhouse. I have to assume RDC have accepted that decision and it has been accepted as an established planning policy! Both objections were justified on planning grounds.
5. Regarding the policy SP21 Mr R Chambers claims in support of his objection, unfortunately due to the fact RDC do not publicise or index their planning decisions (precedent) to allow for easy access by the general public, objectors like Mr Chambers are unaware that the interpretation and application of policy SP21 had been expanded with the 2014 'Eastfield Lodge' decision thereby negating his objection completely.
 6. Your claim that my complaints regarding interpretation of planning policy and ignoring my submissions '*are simply not accepted*' confirm your arrogance on this issue. 1). RDC persistently refuse to accept the 2014 'Eastfield Lodge' decision as a precedent and as such is 'established planning policy'. 2). You fail to provide evidence that supports your claim that a 3rd party planning application for a dwelling needing to be sited over one and a quarter miles from my property due to livestock welfare needs that I have no connection to whatsoever '*complicates*' my application. NPPF. 187 states - '*Local planning authorities should look for solutions rather than problems*'. The planning department intentionally fabricated a problem from an issue unconnected to my application, which policy supports this conduct?
 7. You stand by the claim that in return for removing my present agricultural occupancy condition, RDC planning department are entitled to expect something in return for this privilege. That being the imposing of a 'Local Needs' occupancy condition to replace my present condition.
 8. At the time the planning department made this request at the site meeting in September 2016 I was caught unaware that this would be included within councils planning policy or deemed as RDC common practice, so I objected on the spot, knowing that limiting my ability to work only within the parishes of Marton, Normanby, Edstone and Sinnington would hinder my ability to find suitable work and it would reduce the value of my property considerably by limiting future owners to just a few due to the requirement as stated within 'local needs' conditions.
 9. The planning department had to have been fully aware of the serious consequences to their proposal, including the considerable reduction in my property value which would in my opinion have provided a much greater reduction to that which my present agricultural occupancy condition reduces my property value, yet it still attempted to acquire a 'local needs' condition. I can't put an actual figure on prospective purchasers of my property had it been subject to a 'local needs' condition as it is clear to me that the 'local needs' condition is ambiguous in its wording and far more restrictive than it initially appears.
 10. I request that the planning department provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that would be eligible to purchase my property at his present time if it were subject to a 'local needs' condition? Will that number be greater than 25 individuals and if so by how many.
 11. I also require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale?
 12. As for your complaint that you only received my reply two and a half months later, there were reasons. 1) I became ill in early November and was unable to address the issues required in my reply. 2) I had to reply in detail to the claim that a 3rd party application complicated my application, these details involved making myself familiar with the applicants application, appraisal and farm enterprise. 3) For reasons best known to the planning department Mrs Smith gave me a 10 day deadline to confirm I would provide a 12 month marketing exercise which was a decision for the DWP and the Ryedale Jobcentre manager. 4) I knew I could not meet this deadline so I was in no rush to provide the reply, I did not want to potentially ruin Christmas so there was no rush to have my application in before the end of the year. 5) I found it arrogant that the planning department delay determination of my application and then when it suits them request information is provided within a 10 day time limit. This can only be to rush the applicant and receive incomplete or factually incorrect information so that its credibility can be easily challenge at a later date.
 13. I also require an explanation from RDC as to why the planning department changed their approach to my application when they became aware that they would not be receiving anything in return for

the removal of the agricultural occupancy condition as they had previously requested. This change in approach was a direct response to the information I provided within my letter dated 27/9/16. The planning department would not post my letter onto the planning portal as is usual practice, they would not respond to my approaches, it took to the middle of October before I was able to make contact with the planning department who informed me that an application from a 3rd party complicated my application. RDC would not facilitate my request of a meeting with senior council officials and council members. The claim of a 3rd party complicating my application can not be validated as a genuine or viable reason for refusal. The planning department refused to substantiate this claim at the time by refusing to provide supporting planning policy or guidance that allowed them to do this as it contradicts the general principles and requirements of policy SP19. This proves decisions making by council officials has been influenced by a personal bias against myself.

14. As a 'layman' I would expect the policy position of RDC planning department to be limited to policies SP19 & SP21. As for key material planning considerations, I would expect the planning department informs the members that my application does have sufficient similarities with the '*Eastfield Lodge*' application for it to be judged and supported in an identical manner to the '*Eastfield Lodge*' application. Members are reminded that their 3/6/2014 planning committee decision for '*Eastfield Lodge*' established planning policy that negated the need for any marketing exercise be provided where applications can be identified as sharing sufficient similarities with the merits and issues of the '*Eastfield Lodge*' application. On a matter of fact, RDC planning department have only ever highlighted SP21 and the claim of the need of a marketing exercise as the only policy in support of their present stance wanting to refuse my application.
15. Mr Housden is fully aware that Planning Inspectorates have determined that it is not a mandatory requirement to provide a marketing exercise for an Appeal to be successful. In a number of appeal decisions, most notably that relating to Heddon Oak House, Crowcombe, Taunton (Ref: APP/H3320/A/03/1123215), Inspectors have taken the view that, even where policies require marketing or evidence that the property cannot be sold and no marketing or inadequate marketing has been undertaken, there can still be sufficient evidence to establish that there is very little likelihood that the restricted occupancy dwelling could be sold or let to a qualifying occupier to meet a local agricultural need. Such evidence is in my view present in this case." The aforementioned information is extracted from Planning Statement, Removal of agricultural occupancy condition ,Old Quarry House Morkery Lane, Castle Bytham, Grantham dated January 2016.
16. I have submitted sufficient information previously that provides a marketing exercise of a kind even though it is not required. 1). 18 years of continued unemployment proves without doubt that there is no demand for me as an agricultural worker in the locality. 2). RDC planning department have failed to produce any planning case law that demands that I dispose of my property against my wishes. If it existed they would have used it against the applicant of '*Eastfield Lodge*'. 3). My property has been valued by a reputable agent at a minimum £360,000 as an unfettered property, but with the agricultural conditions still attached it is reduced by one third to a minimum value of £240,000. This valuation is still well above the financial capabilities of the highest paid agricultural worker as based on average wages as has been proven in previous correspondence. 4). Planning policy dictates that where an agricultural workers dwelling is required near any settlement/village, policy expects workers accommodation will be facilitated within that settlement/village. So all future needs for agricultural workers dwellings in the lifetime of the Ryedale Plan will be facilitated in local villages such as Marton or on the farm itself if the livestock welfare needs are proven. 5). My property is situated on the edge of Marton village meaning that there are cheaper properties within the village that are available to meet the future needs of other agricultural workers in the locality that will be free from occupancy restrictions. 6). A property with a similar value to my property that is also subject to an agricultural occupancy that is located about ¾ mile from The Quarrels has been advertised for the last 12 months. This property has not been sold and to my knowledge no genuine interest has been shown.

- Other key considerations submitted to members should include,
17. My application is supported by Marton parish committee.
 18. This application has only been done at the specific request of the DWP with the intention to return myself back into gainful employment and reduce the welfare bill to UK taxpayers.
 19. I suffer from 3 skeletal conditions which have been medically diagnosed which prevent me from participating in normal physically strenuous activities associated with day to day agricultural work. I need to be allowed to return back into gainful employment in a type of work that requires less strenuous activities and can allow me to manage my overall health on a day to day basis.
 20. I have been unemployed since 11/9/98. I should not be obliged to remain unemployed any longer by virtue of the present agricultural occupancy condition.
 21. Planning Policy Statement 7: Sustainable Development in Rural Areas states '*Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness*'. Whilst it is recognised that this guidance has now been withdrawn following the publication of the National Planning Policy Framework in 2012, the absence of equivalent guidance within the NPPF, has resulted in practitioners, and decision makers, including Planning Inspectors, placing some continuing reliance upon the principles outlined in the document.
 22. The condition has outlived its useful purpose, this usefulness was removed 18 years ago by the owners of The Gables farm.
 23. Accordingly, there are no compelling reasons to retain the condition on The Quarrels.
 24. The Gables farmhouse has been extended and altered to provide additional accommodation. Such accommodation will readily provide for any future need for a 2nd worker to be resident on The Gables farm, otherwise accommodation should be provided from within the village.
 25. I have no intention of selling or moving from our family home.

The only policy available to RDC planning department as an excuse to claim my application should be refused is SP21, this explains why RDC repeatedly claim I need to provide a 12 month marketing exercise and why the planning department continues to refuse to accept the 3/6/2014 planning decision that provided 'established planning policy' in policy SP21 of the Ryedale Plan. I have proven that the 3/6/2014 'Eastfield Lodge' planning committee decision set precedent that has to be accepted as 'established planning policy' as I have stated throughout this letter and my entire application.

I would also expect the planning department appraisal to members include the following policy.

SP19 Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

I can confirm that the above planning policy SP19 has been ignored by RDC planning officers. Your officers have failed to take the required 'positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

The Ryedale Plan states implicitly in SP19 that 'It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'. RDC's planning department have not worked proactively throughout my application as it's policy claims it will always do.

The only proposal from RDC was the replacing of my present occupancy restriction with a 'Local Needs' occupancy condition which I addressed in previous correspondence as worthless etc.

I remind you that I have been the only proactive participant throughout this application, it has been myself who has contacted the planning department for information.

1. I now require RDC to provide me with the specific planning policy that supported the imposing of 'local needs' conditions on existing inhabited dwellings that have previously had Approved planning permission?
2. I now require RDC explain why they requested I accept the imposing of a 'local needs' occupancy condition in return for removing my agricultural occupancy condition?
3. I request confirmation of the specific common planning policy that exists within Ryedale District Council that supported this aforementioned request?
4. Who instructed or advised council members that 'local needs' occupancy conditions could be used to replace other existing occupancy conditions?
5. Explain why no member addressed this issue prior to my involvement?
6. I require confirmation of the specific policy or guidance that supports the claim from the planning department that the Hillside Farm application complicated my application?
7. I request that RDC provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that they consider as eligible to purchase my property at this present time if it were subject to a 'local needs' condition?
8. I require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale if it was subject to a 'local needs' occupancy condition?
9. Confirm the action taken by RDC to address the issues raised in my letter dated 27/9/16?

I knew after I had read the Ryedale Plan through for the first time that 'local needs' occupancy conditions could only be applied primarily to new build dwellings, it is fair to say that council members should also have been able to come to the same opinion as myself after they had read the Ryedale Plan for the 1st time. I have no alternative but to concur that council members have either been deliberately deceived by council officials and possibly other members into their erroneous belief that the use of 'local needs' conditions as had been applied against the applicant of 'Eastfield Lodge' was acceptable planning practice, or that the members have been complicit in this deception and have deliberately agreed to use said 'local needs' conditions to the direct financial detriment of home owners.

I look forward to the reason the planning department present to members to justify their personal preference for a Refusal. I will be interested to know how RDC planning department will have been able to distinguish the difference between my application and the 'Eastfield Lodge' application.

I can only assume your reason for refusal will be something along the lines of claiming that,

- I have failed to provide a marketing exercise as required by SP21 g)(ii) and therefore failed to prove there is no demand for The Quarrels property in its present status, therefore the impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted as required by SP19.

For the council to be of the above opinion would mean they will have been unreasonable, ignored policy and therefore made an arbitrary judgement, misinterpreted policy SP21 g)(ii) as meaning mandatory which is contrary to established council policy from 3/6/14, ignored all of the supporting information provided, refused to judge application on a '*case by case*' basis as required by SP21 g)(i), will still want to impose a '*local needs*' condition in return. I repeat, the 3/6/2014 '*Eastfield Lodge*' decision established that RDC planning committee adopted and applied a specific meaning to policy SP21 g). I do not apologise for repeating the aforementioned established policy from 3/6/14 as it is fact.

I am of the opinion that any council official or member who refuses to accept the 3/6/2014 '*Eastfield Lodge*' decision as '*established policy*' should reconsider their position as a council official or member and then resign if they refuse to accept the validity of this '*established policy*'. There is no place for arbitrary planning decisions or such deceitful behaviour that attempts to provide arbitrary decisions within this LPA. All those involved in such conduct should be removed if they do not leave voluntarily.

You state in his email reply to me dated 15th Feb 2017 @ 10:18AM you state '*I will interpret your response in a manner that indicates you do not intend to advertise the property in accordance with the Council's normal policy requirements.*'

You refer to the '*Council's normal policy requirements*' and not '*Council's policy requirements*', this confirms you do not want my application to be judged using the same planning policy SP21 g)(i) as was used to judge the '*Eastfield Lodge*' application which resulted in an established planning policy SP21 g).

So I have to challenge you on this point to explain which part of council policy is '*not normal*'. This proves without doubt that there is selective application of planning policy under the stewardship of yourself and other RDC officials.

From my understanding of the applicable planning policy SP21 of the Ryedale Plan, policy clearly confirms that each application is to be judged on a '*case by case*' basis and that advertising the property is not a mandatory requirement of SP21 as has been proven by the previous council decision of the 3/6/2014 in relation to the '*Eastfield Lodge*' decision. Therefore your claim that I am not acting 'in accordance with the Council's normal policy requirements' is factually incorrect and deliberately misleading. On a point of fact, the Planning Inspectorate approve appeals that have not provided a marketing exercise as referred to above in Note 15 on Page 5.

RDC's official stance as stated above by yourself, the head of the planning department in dealing with my application gives me serious cause for concern. The planning departments constant refusal to accept '*established planning policy*' based on RDC recent planning decisions is unreasonable and further undermines the integrity of the planning process and decidedly promotes '*arbitrary*' decision making.

You stated at our meeting on the 26th Oct 2016 that my application was not straight forward due to my own personal circumstances surrounding this application and as such applications of this nature need to be assessed on a '*case by case*' basis by the committee. At that meeting I was hoping for RDC officials to be sincere, your response to my letter dated the 5/1/17 and my attempts to be provided with a planning committee judgement date for the 14/2/17 were anything but sincere, so I am still sitting in judgement on whether this council are in fact sincere or not. Proof to the sincerity of RDC officials will be determined by the content of the Appraisal they present to the planning committee and whether they treat me equal to the '*Eastfield Lodge*' applicant.

I have reasonably concluded that the planning and legal departments of RDC can not be trusted to provide the correct interpretation and application of relevant planning policies. They have proven themselves to be selective, unreasonable, arbitrary and readily available to 'abuse their position'.

I kept reminding RDC that this application should have been Approved by delegatable decision, I knew there were serious issues that would have to be addressed publicly if this application had to go to the planning committee. The following information I provide relates to the planning departments deliberate refusal to accept the established planning policy from the 3/6/14 'Eastfield Lodge' decision and constantly claim there is a need for me to provide a marketing exercise to prove if there is a demand for agricultural accommodation in the locality or not. You have left me with no alternative but to provide this information to you.

The Ryedale Plan is clear regarding granting approval for agricultural dwellings. SP21 c) (i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere. A condition will be applied.....

RDC planning policy expects accommodation for agricultural workers to be met in nearby villages and towns. This now obligates RDC into accepting all such accommodation in towns and villages as available housing stock for agricultural workers identical to those subject to occupancy conditions.

In October 2016 the Planning Officer Mrs Smith informed me a 3rd party application (*from Hillside Farm*) complicated my application. Yet, within 8 weeks she then told the the owners of Hillside Farm that their need for further accommodation for farm workers at Hillside Farm could be readily provided from within Pickering which was less than a 5 minutes drive away. This application at Hillside Farm was intended to serve a specific, functional need arising from the farm. This proves the planning department do interpret policy any way they like when it suits them.

Even though the owners of Hillside Farm have provided an appraisal that confirms there is a specific, functional need arising from the farm, RDC still expect accommodation provided within nearby villages or town some 5 minute away to satisfy the need of the farm.

The following information is taken from an Appeal Decision Hearing held on 28 January 2014 against Craven District Council, by Matthew Birkinshaw BA(Hons) MSc MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 18 February 2014 Appeal Ref: APP/C2708/A/13/2208126 Lingcrest, Kettlebeck Road, Eldroth, Austwick, Lancaster, LA2 8AP

6. 'In establishing whether or not there is a need for agricultural dwellings in the area the Council has referred to a planning application for a new house nearby. However, in a predominantly rural area, I am not persuaded that a single planning application from 2012 robustly demonstrates a significant level of demand. At the Hearing both parties also confirmed that the dwelling in question was intended to serve a specific, functional need arising from the farm where it was based.'

7. Moreover, information provided by the appellant demonstrates that within the same locality is another property for sale with an agricultural tie which has failed to sell since it was brought onto the market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.

In relation to note 6 above, this other application stated by Craven Council as defining a demand was clearly dismissed by the inspector as having no credence as the application was to serve a specific, functional need for the farm.

In relation to note 7 above, this confirms to me that the Planning Inspectorate placed a great deal of weight behind the presence of alternative accommodation being available in the area for

agricultural workers. Therefore it is only reasonable to expect LPA's to take into account the presence of all other available accommodation for agricultural workers in the locality and as such these are not limited to just those subject to occupancy conditions. See below.

One of the reasons why dwellings were subject to agricultural occupancy restrictions, was to provide affordable accommodation for agricultural workers within the locality of their work as agricultural workers could not be expected to pay local property values, this reason is still valid today but due to the fact there is now an established national minimum wage system low income is not limited to just agricultural workers.

When a dwelling similar to mine is situated in close proximity to a village, said property come into direct competition with 'For Sale' village properties, when there are much cheaper properties available 'For Sale' in the village free from planning conditions then it is only reasonable to assume these much cheaper properties are more readily affordable and available to agricultural workers than significantly higher value properties. So demand for accommodation by agricultural workers is provided by these cheaper properties.

Locality defined by RDC

I now remind you Mr Housden that at our meeting on the 26/10/16 you told me that I could find agricultural work within a 30 minute drive from my property and that you yourself can drive a long way in 30 minutes, you claimed you could drive to Thirsk in 30 minutes. For the record Thirsk is 24 miles from my property and I have done this journey in less than 30 minutes. You defined this a RDC stance on what is within the locality to my property. I told you that I had a different application of defining locality but I agreed to disagree with the official RDC application.

Taking the previously mentioned statement from council official Mrs Smith into consideration that suitable accommodation for Hillside Farm that has a specific, functional need, can be provided within the nearby town of Pickering, which is only a 5 minute drive away. This I understand is the official stance of RDC planning department for a farm that has a specific, functional need otherwise Mrs Smith would not have made this statement. You can volunteer a reply if this was a lie by Mrs Smith!

Using the official application provided by Mrs Smith that accommodation for an agricultural worker can be a 5 minutes drive from his work place I have concluded that my property is within about a 5 minute drive from Pickering, Kirkbymoorside, Normanby, Sinnington, Wrelton, Keldholme, Great Edstone, Great Barugh, Brawby and Salton. I know RDC officials and its members will agree with me that, agricultural workers are not restricted to only finding accommodation in dwellings that are subject to agricultural occupancy conditions, they are entitled to choose their own accommodation and location.

Taking this aforementioned information into consideration, homeowners of dwellings that are subject to an occupancy conditions have to compete with lower valued properties in the locality that are not subject to any occupancy condition.

There is cheaper accommodation advertised 'For Sale' in the towns, villages and surrounding areas of Marton than my property, the majority of these are available to agricultural workers. I have done a quick 20 minute search on Rightmove.co.uk and found the following properties which are advertised at less than £200,000 which is £40,000 below the lowest valuation of my property.

In Pickering there are 18 properties from £160,000 to 198,000, 8 properties from £130,000 to £159,000 and 6 properties from £60,000 to £120,000.

In Kirkbymoorside there are 2 properties from £160,000 to 198,000, 3 properties from £130,000 to £159,000 and 1 properties from £100,000 to £120,000.

In Marton there are 2 properties under £200k, 1 at £199,950 and the other at £153,000.

In Salton 1 property just under £190,000. In Brawby 1 property at £145,000.

In total I have demonstrated that there are a minimum 42 properties local to Marton within a 5 minute drive that are readily available to be bought by agricultural workers which will serve the local farming community as the aforementioned RDC planning officer stated to the owners of Hillside Farm and as is policy of the Ryedale Plan.

Accommodation for agricultural workers is no different to any other accommodation found in towns or villages. I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

There are many many more properties that are located within a 15 minute drive of my property that are below £200,000 value that can readily provide accommodation for agricultural workers. I can travel to Malton, Thornton le Dale, Helmsley, Appleton le Street and many more in 15 minutes.

Mr Housden confirmed on the 26/10/16 '*locality*' to my property is defined by RDC by the distance I can drive in 30 minutes. Based on Mr Housdens claim this means approximately 24 mile drive, this means RDC define locality to my property just about encompasses all of Ryedale and extends past to Thirsk, Whitby, Scarborough and the Easingwold areas. Locality has the same meaning as area. I am obligated to accept RDC's definition of '*locality*' with this application though it differs from my own application.

On a point of fact, nearly all accommodation found within these boundaries and beyond that are below the £200,000 threshold are readily available to meet the needs of agricultural workers in the locality of Marton from either the north, south, east or west direction. I found well in excess of 150 properties For Sale under £200,000 within the locality (Ryedale area) of my property that would accommodate the needs of agricultural workers on Rightmove.co.uk all within a 30 minute, 24 mile drive of my property.

On a point of fact, my property does not need to be kept available to meet the needs of agricultural workers within the the locality (Ryedale district plus a bit more) just for the sake of complying with the condition, I would say that the present total of 150 properties available to the agricultural worker that are significantly cheaper properties than mine confirms there is presently sufficient housing stock for agricultural workers to choose from and all these are free from occupancy conditions.

As for keeping my property available for the needs of agricultural workers within the Marton parish or adjoining parishes, the accommodation needs for these workers can be met from the 42 properties available for sale within a 5 minute drive which follows the policy of the Ryedale Plan. My occupancy condition does not restrict me to such a small area and Mr Housden has stated on behalf of RDC that locality for me is within a 30 minute drive, which is a 24 mile drive. RDC are obligated to accept that this defining of locality to my property has a vice versa effect whereby it increases the number of available properties for agricultural workers significantly within the same area defined as being the locality for my work, that being all of Ryedale plus a bit.

Demand for agricultural accommodation is primarily dependant on the replacing of retiring farm workers at any given time and whether they are replaced with non family members. Many agricultural workers have short term plans and accommodation subject to occupancy conditions are deliberately overlooked for obvious reasons.

Because there is such a large number of cheaper accommodation available to agricultural workers in the locality of my property this significantly reduces any demand for my property.

Take into account note 7 from the aforementioned Craven Council appeal relating to 'another property for sale with an agricultural tie which has failed to sell since it was brought onto to market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.'

Note 7 confirms that Riverside Cottage located about three quarters of mile from my property has been advertised for sale for about the last 12 months and as far as I am aware, no interest has been shown is wholly relevant to my application as it defines an obvious lack of 'demand' in the locality of Marton.

I advised you it was in RDC best interest that this issue be passed by '*delegatable decision*' but you resisted this option. So you and RDC now find yourselves here, RDC's official definition of 'locality' as good as removes completely the validity and need for a marketing exercise as stated in the Ryedale Plan. I have proven that there are many properties available to agricultural workers in the locality to their place of work. All based entirely on the boundaries as specifically defined by yourself, a senior RDC official. I hope you feel proud of yourself as you are solely responsible for this fact being highlighted.

I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

I know you and your colleagues will try to concoct a reason to invalidate the above information or just ignore it completely, but you can not hide from its relevance in my application. I have totalled 42 properties available to agricultural workers all within about a 5 minute drive. There are more than 150 properties within the locality (applicable area) of my property for agricultural workers to choose from. As the planning inspector on the aforementioned Craven District Council appeal on the 28/1/14, '*this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.*' This fact alone as good as nullifies any '*Demand*' for agricultural workers accommodation in the locality of my property. Take into account RDC determine that nearly all of the Ryedale area is within the locality of my property and this makes a complete mockery of the need to prove there is a '*demand*'. RDC's planning policy definition that '*locality*' extends to a place 24 miles from Marton, also defines the term '*local*' to a place that extends 24 miles from Marton.

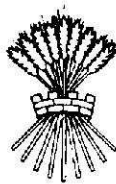
Regarding the extensive amount of information I have provided within this application. I have been totally honest at all times, I have tried to provide unambiguous information at all times so there is no misunderstanding of the information provided. RDC appear to dislike the approach I have taken for some reason. I do not think the substantial amount of correspondence presented to RDC complicates the issues at hand. Those issues remain the same, I have proven through the established planning policy of 3/6/14 that there is no need for a 12 month marketing exercise. I have proven the usefulness of the condition has expired (18 years ago and I have been complying with that condition as I had no other option). I have proven with a 2nd reason that with there being over 150 properties available to agricultural workers in the locality of Marton this negates any need to prove any '*demand*' does or does not exist. I have proven if I did need to provide a marketing exercise then the information provided to RDC would be sufficient to prove that the lack of '*demand*' and this application should be approved. I could go on but there is no point repeating the facts already provided. You are either going to accept the facts provided or you are going to continue to be arbitrary and continue to keep me unemployed.

I will be pursuing all the issues I have become aware of through my MP and I reserve the right to make public any other details I see fit.

Even though this letter is 12 pages I only expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I am giving you this opportunity and hope your response is more than just a straight denial of any wrongdoing as you did previously.

Regards

Colin Coote



Mr Colin Coote
The Quarrels
Back Lane
Marton
Kirkbymoorside
YO62 6RD

27 October 2016

Dear Mr Coote

APPLICATION NO: 16/01165/73A

APPLICANT: Mr Colin Coote

DESCRIPTION: Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition)

LOCATION: The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

I refer to our meeting on October 25th which was attended by Gary Housden (Head of Planning and Housing). During the meeting the background to your application, together with the submitted information was discussed in some detail. It was concluded however that it would be necessary to market the dwelling in order to establish whether there is still a need for a dwelling for an agricultural worker in the locality.

As you are aware, agricultural occupancy conditions are used to help to ensure that permanent residential accommodation in the open countryside, can be provided, to support an established land based business, where it would not otherwise accord with planning policy. The relevant policy that supports such development is Policy 21 of the Ryedale Plan - Local Plan Strategy. This policy also includes a section on the process for lifting such conditions. This states:

g) Lifting of Occupancy Restrictions

(i) The lifting of occupancy restrictions will be carefully considered on a case by case basis. The capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.

(ii) Changes in the scale and character of farming/ forestry/other enterprise may affect the longer-term requirement for dwellings that are subject to an occupancy condition. For an agricultural occupancy condition to be lifted, up to date documentary evidence provided by an independent consultant will be required showing that there is no demand for the accommodation in its current status. This would be established over a period of at least 12 months through the advertisement of the property by agents specialising in the sale of agricultural land and property in the Ryedale area, with regular advertisement within agricultural journals and local papers. The property advertisement must refer to the existence of the agricultural occupancy condition, and for the property be priced accordingly.

As discussed therefore, I do not consider that a satisfactory appraisal can be made of the application until the requirements of the relevant part of Policy SP21, detailed above, have been provided.

I would be grateful if you could confirm that you are agreeable to following this course of action, within 10 working days of the date of this letter. If there are any issues arising from the contents of this letter, please do not hesitate to contact me.

I trust that these comments are helpful, but must stress that they represent an informal, officer opinion only, and do not commit the Council in any way or prejudice any final decision that the Planning Committee may reach on your application.

Yours Sincerely

Rachel Smith,
Senior Development Management Officer
rachel.smith@ryedale.gov.uk

Gary Housden

From: Gary Housden
Sent: 03 February 2017 13:00
To:
Cc: Janet Waggott; Karen Hood
Subject: Planning application 16/01165/73A
Attachments: gary letter.pdf

Dear Mr Coote

I refer to the above matter and to the letter dated 2nd February 2017 addressed to The Council's Chief Executive which has been passed to me for a response.

Firstly Mrs Smith no longer works for the Council and I will therefore be dealing with this outstanding case myself. I am familiar with the background to the application because I attended a meeting with you and Mrs Smith on 26th October 2106. Mrs Smith (the following day) wrote to you setting out our views on your application and what you were advised to do (see attached copy letter) in order that a case for support of the application could be demonstrated.

Notwithstanding that advice it appears that you have chosen not to advertise your property at a price that reflects the occupancy condition and you are therefore not in a position to demonstrate that there is no demand in the locality from a person or persons that are able to satisfy the occupancy limitation. Whilst I can understand your continued reluctance to follow this advice (which accords with the adopted development plan policy) it leaves us in an impasse. Without this evidence officers will be unable to support your application and the recommendation to the Planning Committee would be unfavourable. Members would of course have the final say but you will appreciate that this remains a risky course of action to take in terms of the final decision.

I would therefore urge you to reconsider your position and agree to make an attempt to advertise to property at an agreed price for an agreed period of time to satisfy those policy requirements. I had previously advised you that in any event the application is to be determined by the Planning Committee because of the nature of the conflicting responses that we had already received from the Parish Council and from interested third parties.

Your complaints about Mrs Smith and myself in respect of interpretation of planning policy and of ignoring your submissions are simply not accepted. You have been given clear advice in writing on 27th October 2016 what you were required to do. Some two and a half months later you have decided to respond but in a manner that still does not satisfactorily address the underlying requirements of an applicant seeking to successfully waive an agricultural occupancy condition.

Perhaps you may wish to reflect on the contents of this email and advise me how you wish to proceed in writing. Depending on that outcome I will be in a position to advise you when the application can be presented to Members with a full officer report setting out the planning history; the policy position and an appraisal of what are considered by officers to be the key material planning considerations.

I look forward to receiving your reply before proceeding any further with this application.

Yours
Gary Housden
Head of Planning
Ryedale District Council

Subject: Planning application 16/01165/73A Colin Coote
Attachments: 13 a RDC Response to Housden 6 feb 17.pdf

From: Colin Coote
Sent: 26 February 2017 21:18
To: Gary Housden; Janet Waggott; Karen Hood
Subject: Planning application 16/01165/73A Colin Coote

Dear Mr Housden

Find attached my reply to your previous emails.
This correspondence expands on RDC permanent response by yourself to your earlier inadequate denials of my official complaint.
Also included in this correspondence is further information that is relevant to my application.
I do expect this attached correspondence to be added to the council planning web site asap.

Regards

Colin Coote

Ryedale District Council
Ryedale House
Old Malton Road
Malton
YO17 7HH

The Quarrels
Back Lane
Marton
Sinnington
YORK
YO62 6RD

22nd February 2017

Dear Mr Housden

Planning Reference 16/01165/73A Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition) The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

I expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I do expect this letter to be added onto the planning website with all of my other letters.

I have assumed the official RDC reply will be provided by Mr Housden. I provided you with my official complaint against RDC's planning department in relation to the above application dated 2/2/17.

My understanding of the 2012-2027 Ryedale Plan and the planning process has allowed me to deal with my own application. The information presented to RDC within my letter dated the 27th September 2016 has not been challenged therefore it has been accepted by RDC as being factually correct.

Precedent

In English Law there is 'case law' which is a term used as 'the law as established by the outcome of former cases'. As is required within English Law, for an established precedent to be binding on a case there has to be sufficient similarities with the merits and issues of both the case being presided over and the case that established 'said' precedent.

I remind RDC planning department that as a matter of fact all planning decisions constitute a precedent, planning decisions are based on interpretation and application of policy and by precedent already set by previous application of planning policy.

While all planning decisions are precedent some do become 'leading cases' or 'landmark decisions' that are available to be cited regularly.

From when I had my site meeting with the planning officer in September 2016 RDC have refused to acknowledge the existence of the 'Established Planning Policy' relating to SP21 of the Ryedale Plan through their Approval decision on the 3/6/2014, such behaviour is inexcusable. I have concluded that this refusal is most likely due to the planning department fearing that this will become a '*landmark decision*' in Ryedale that is cited especially often in support of planning applications to remove agricultural occupancy restrictions from agricultural workers dwellings. If council officials continue to ignore '*established planning policy*' this will further undermine planning policy and confirm these officials are completely unsuitable to retain their employment within RDC.

In my opinion RDC should be obligated to Publicise and Index planning decisions in a way such as by 'category' that would allow easier access for the general public to find any such precedent that expands on the present 'adopted' planning policy. Such Indexing would be a major supplement to the Ryedale Plan and it would allow for greater consistency with planning decision making throughout the lifespan of the Ryedale Plan. It may also deter erroneous behaviour from council officials. Regardless of the whether these decisions are index or not, policy is still established.

My Application

I have always claimed throughout this application that RDC 'Established' a precedent with their 3/6/2014 interpretation, application and decisions with the 'Eastfield Lodge' application and that it was this important single fact that allowed this present application to be made without the need for a 12 month marketing exercise.

This 'established precedent' could be best described as providing a more explicit interpretation and application of policy SP21 than that provided by the actual wording of policy SP21 within the Ryedale Plan.

My understanding of the 'Eastfield Lodge' decision provided on the 3/6/2014 by the councils planning committee confirms the councils stated official interpretation and application of the Ryedale Plan policy SP21 for the lifetime of the Ryedale Plan, which is correctly understood by the 'layman' as now being an 'established planning policy' subject to future applications showing sufficient similarities with the merit and issues of the '*Eastfield Lodge*' application.

I further expand my stated claim of a precedent being set on 3/6/14 when addressing the Eastfield Lodge application.

The planning department stated the following reason in their Appraisal to the planning committee why a 12 month marketing exercise to establish a '*need*' for the property was not required from the applicant of Eastfield Lodge,

"In this particular case this has not occurred. However, this particular application differs from most other similar proposals for the lifting of occupancy restrictions."

The planning department also provide within their Appraisal for Eastfield Lodge to the planning committee the following statement which is a direct reference to SP21 g),

"The policy identifies the criterion when an agricultural restriction may be lifted. Specifically it is imperative that "the lifting of occupancy restrictions will be carefully considered on a case by case basis."

RDC Approved the 'Eastfield Lodge' application without the applicant having to provide a 12 month marketing exercise, this was found to be acceptable practice by both RDC planning officers and councillors as the Appraisal submitted from the Planning Department to the planning committee recommended '*Approval*' thereby providing 'established planning policy' through the Approval decision, there can be no other explanation.

Any fair minded person would surmise from the aforementioned actions of the council when dealing with the '*Eastfield Lodge*' application that this was how the council would respond to all future applications that were sufficiently similar in merit and issues.

The '*Eastfield Lodge*' application did not only provide the decision that established a precedent that removed any claimed mandatory requirement for a marketing exercise (*subject to sufficient similarities between applications*) to be provided before an approval could be provided, it also confirmed how to the planning department would respond to similar applications. RDC planning department supported the 'Eastfield Lodge' application and they identified the difference of said application to that of similar proposals. This precedent had the full support of Mr Housden.

All of the decisions and actions of the planning department and planning committee have been established and can not be overturned or expunged from record. These decisions are established planning policy and where there are sufficient similarities with their own application it is only fair that all applicants have the right to highlight this fact in support of their own applications and relevant established decisions should be binding on the committee. The planning department are attempting to prevent the '*Eastfield Lodge*' decision being used in support of my application.

The planning department are blatantly refusing to accept established planning policy through precedent at their choosing, this confirms without exception that RDC are guilty of using planning policy selectively against individual applicants, I deem this to be discriminatory behaviour and a blatant 'abuse of position' by all those involved throughout the planning process.

RDC planning department have proven 'without doubt' that they are untrustworthy and all of their decisions should be scrutinised by everyone involved.

RDC should be working toward greater consistency with their planning decisions, this can not occur while they refuse to accept all of their planning decisions as 'established planning policy' and while they allow there planning and legal departments to discriminate against individual applicants.

Much more detailed information has been presented to RDC about my application than the detailed information provided for the 'Eastfield Lodge' application.

I have proven 'Without Doubt' to RDC that there are sufficient similarities with the merits and issues between my present application and the 'Eastfield Lodge' application for the 'established planning policy' determined on the 3/6/14 to be binding on both the district council's planning department and planning committee. This proves that there is no requirement for me to prove by a 12 month marketing exercise 'that there is no demand for the accommodation' as is inferred by SP21 g)(ii).

I challenge RDC planning and legal departments to provide me with information that disputes my claim of these 2 applications having sufficient similarities in merit and issue!

Reply to Mr Housden's email response dated 3/2/17 to my official complaint dated 2/2/17.

1. Mrs Smith represented RDC planning department and applied council policy to fulfil her duties as a planning officer.
2. The advice provided to me by the planning department deliberately ignored 'established planning policy' that was set by precedent on the 3/6/16 that negated the need for me to demonstrate that there in no demand in the locality.....
3. Mr Housden clearly implies that I will be treated differently to the 'Eastfield Lodge' applicant as his recommendation will be '*unfavourable*'. This confirms my previous stated views that there are individuals within RDC that hold a grudge against me and are deliberately attempting to keep me unemployed until I retire in 14 years time to punish me!
4. The claim that there are interested 3rd parties surprises me as my property is not for sale and has never been advertised and no approach to by my property has been made by any 3rd party. The objection from the adjacent Gables Farm owner Mr R Chambers was in all probability made in retaliation to my previous objections and observations I provided to RDC with his 2 previous planning applications, nothing more. My objections were valid and supported by relevant planning policy. The most recent involved replacing a livestock building with a larger newer version. I did not object to this replacement as reported by planning officers, in fact I stated I supported the planning proposal and proposed it was extended, my only objection was in relation to the potential housing of pigs in this replacement building. The prevention of the housing of pigs in said building should have been automatically addressed by the planning department, yet it was ignored. Fortunately I brought this issue to the immediate attention of the planning department and it was finally addressed within the application. Housing of pigs is prohibited in this new building and in all probability Mr Chambers holds me personally responsible for this financial restriction on his business. Regarding my 1st objection to Mr Chambers converting the adjacent garage and brick building to the farmhouse, my objection was based on the fact that the proposed plans constituted a 'self-contained unit'. RDC planning department refused the application as they had same view. It went to appeal where the Inspectorate determined that the proposed application be subject to a planning condition that to prevent it from becoming a '*self-contained*' dwelling and that it would be

- 'Ancillary'* to the farmhouse. I have to assume RDC have accepted that decision and it has been accepted as an established planning policy! Both objections were justified on planning grounds.
5. Regarding the policy SP21 Mr R Chambers claims in support of his objection, unfortunately due to the fact RDC do not publicise or index their planning decisions (precedent) to allow for easy access by the general public, objectors like Mr Chambers are unaware that the interpretation and application of policy SP21 had been expanded with the 2014 'Eastfield Lodge' decision thereby negating his objection completely.
 6. Your claim that my complaints regarding interpretation of planning policy and ignoring my submissions *'are simply not accepted'* confirm your arrogance on this issue. 1). RDC persistently refuse to accept the 2014 'Eastfield Lodge' decision as a precedent and as such is 'established planning policy'. 2). You fail to provide evidence that supports your claim that a 3rd party planning application for a dwelling needing to be sited over one and a quarter miles from my property due to livestock welfare needs that I have no connection to whatsoever *'complicates'* my application. NPPF. 187 states - *'Local planning authorities should look for solutions rather than problems'*. The planning department intentionally fabricated a problem from an issue unconnected to my application, which policy supports this conduct?
 7. You stand by the claim that in return for removing my present agricultural occupancy condition, RDC planning department are entitled to expect something in return for this privilege. That being the imposing of a 'Local Needs' occupancy condition to replace my present condition.
 8. At the time the planning department made this request at the site meeting in September 2016 I was caught unaware that this would be included within councils planning policy or deemed as RDC common practice, so I objected on the spot, knowing that limiting my ability to work only within the parishes of Marton, Normanby, Edstone and Sinnington would hinder my ability to find suitable work and it would reduce the value of my property considerably by limiting future owners to just a few due to the requirement as stated within 'local needs' conditions.
 9. The planning department had to have been fully aware of the serious consequences to their proposal, including the considerable reduction in my property value which would in my opinion have provided a much greater reduction to that which my present agricultural occupancy condition reduces my property value, yet it still attempted to acquire a 'local needs' condition. I can't put an actual figure on prospective purchasers of my property had it been subject to a 'local needs' condition as it is clear to me that the 'local needs' condition is ambiguous in its wording and far more restrictive than it initially appears.
 10. I request that the planning department provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that would be eligible to purchase my property at his present time if it were subject to a 'local needs' condition? Will that number be greater than 25 individuals and if so by how many.
 11. I also require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale?
 12. As for your complaint that you only received my reply two and a half months later, there were reasons. 1) I became ill in early November and was unable to address the issues required in my reply. 2) I had to reply in detail to the claim that a 3rd party application complicated my application, these details involved making myself familiar with the applicants application, appraisal and farm enterprise. 3) For reasons best known to the planning department Mrs Smith gave me a 10 day deadline to confirm I would provide a 12 month marketing exercise which was a decision for the DWP and the Ryedale Jobcentre manager. 4) I knew I could not meet this deadline so I was in no rush to provide the reply, I did not want to potentially ruin Christmas so there was no rush to have my application in before the end of the year. 5) I found it arrogant that the planning department delay determination of my application and then when it suits them request information is provided within a 10 day time limit. This can only be to rush the applicant and receive incomplete or factually incorrect information so that its credibility can be easily challenge at a later date.
 13. I also require an explanation from RDC as to why the planning department changed their approach to my application when they became aware that they would not be receiving anything in return for

the removal of the agricultural occupancy condition as they had previously requested. This change in approach was a direct response to the information I provided within my letter dated 27/9/16. The planning department would not post my letter onto the planning portal as is usual practice, they would not respond to my approaches, it took to the middle of October before I was able to make contact with the planning department who informed me that an application from a 3rd party complicated my application. RDC would not facilitate my request of a meeting with senior council officials and council members. The claim of a 3rd party complicating my application can not be validated as a genuine or viable reason for refusal. The planning department refused to substantiate this claim at the time by refusing to provide supporting planning policy or guidance that allowed them to do this as it contradicts the general principles and requirements of policy SP19. This proves decisions making by council officials has been influenced by a personal bias against myself.

14. As a 'layman' I would expect the policy position of RDC planning department to be limited to policies SP19 & SP21. As for key material planning considerations, I would expect the planning department informs the members that my application does have sufficient similarities with the '*Eastfield Lodge*' application for it to be judged and supported in an identical manner to the '*Eastfield Lodge*' application. Members are reminded that their 3/6/2014 planning committee decision for '*Eastfield Lodge*' established planning policy that negated the need for any marketing exercise be provided where applications can be identified as sharing sufficient similarities with the merits and issues of the '*Eastfield Lodge*' application. On a matter of fact, RDC planning department have only ever highlighted SP21 and the claim of the need of a marketing exercise as the only policy in support of their present stance wanting to refuse my application.
15. Mr Housden is fully aware that Planning Inspectorates have determined that it is not a mandatory requirement to provide a marketing exercise for an Appeal to be successful. In a number of appeal decisions, most notably that relating to Heddon Oak House, Crowcombe, Taunton (Ref: APP/H3320/A/03/1123215), Inspectors have taken the view that, even where policies require marketing or evidence that the property cannot be sold and no marketing or inadequate marketing has been undertaken, there can still be sufficient evidence to establish that there is very little likelihood that the restricted occupancy dwelling could be sold or let to a qualifying occupier to meet a local agricultural need. Such evidence is in my view present in this case." The aforementioned information is extracted from Planning Statement, Removal of agricultural occupancy condition ,Old Quarry House Morkery Lane, Castle Bytham, Grantham dated January 2016.
16. I have submitted sufficient information previously that provides a marketing exercise of a kind even though it is not required. 1). 18 years of continued unemployment proves without doubt that there is no demand for me as an agricultural worker in the locality. 2). RDC planning department have failed to produce any planning case law that demands that I dispose of my property against my wishes. If it existed they would have used it against the applicant of '*Eastfield Lodge*'. 3). My property has been valued by a reputable agent at a minimum £360,000 as an unfettered property, but with the agricultural conditions still attached it is reduced by one third to a minimum value of £240,000. This valuation is still well above the financial capabilities of the highest paid agricultural worker as based on average wages as has been proven in previous correspondence. 4). Planning policy dictates that where an agricultural workers dwelling is required near any settlement/village, policy expects workers accommodation will be facilitated within that settlement/village. So all future needs for agricultural workers dwellings in the lifetime of the Ryedale Plan will be facilitated in local villages such as Marton or on the farm itself if the livestock welfare needs are proven. 5). My property is situated on the edge of Marton village meaning that there are cheaper properties within the village that are available to meet the future needs of other agricultural workers in the locality that will be free from occupancy restrictions. 6). A property with a similar value to my property that is also subject to an agricultural occupancy that is located about ¾ mile from The Quarrels has been advertised for the last 12 months. This property has not been sold and to my knowledge no genuine interest has been shown.

Other key considerations submitted to members should include,

17. My application is supported by Marton parish committee.
18. This application has only been done at the specific request of the DWP with the intention to return myself back into gainful employment and reduce the welfare bill to UK taxpayers.
19. I suffer from 3 skeletal conditions which have been medically diagnosed which prevent me from participating in normal physically strenuous activities associated with day to day agricultural work. I need to be allowed to return back into gainful employment in a type of work that requires less strenuous activities and can allow me to manage my overall health on a day to day basis.
20. I have been unemployed since 11/9/98. I should not be obliged to remain unemployed any longer by virtue of the present agricultural occupancy condition.
21. Planning Policy Statement 7: Sustainable Development in Rural Areas states '*Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness*'. Whilst it is recognised that this guidance has now been withdrawn following the publication of the National Planning Policy Framework in 2012, the absence of equivalent guidance within the NPPF, has resulted in practitioners, and decision makers, including Planning Inspectors, placing some continuing reliance upon the principles outlined in the document.
22. The condition has outlived its useful purpose, this usefulness was removed 18 years ago by the owners of The Gables farm.
23. Accordingly, there are no compelling reasons to retain the condition on The Quarrels.
24. The Gables farmhouse has been extended and altered to provide additional accommodation. Such accommodation will readily provide for any future need for a 2nd worker to be resident on The Gables farm, otherwise accommodation should be provided from within the village.
25. I have no intention of selling or moving from our family home.

The only policy available to RDC planning department as an excuse to claim my application should be refused is SP21, this explains why RDC repeatedly claim I need to provide a 12 month marketing exercise and why the planning department continues to refuse to accept the 3/6/2014 planning decision that provided 'established planning policy' in policy SP21 of the Ryedale Plan.

I have proven that the 3/6/2014 'Eastfield Lodge' planning committee decision set precedent that has to be accepted as 'established planning policy' as I have stated throughout this letter and my entire application.

I would also expect the planning department appraisal to members include the following policy.

SP19 Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

I can confirm that the above planning policy SP19 has been ignored by RDC planning officers. Your officers have failed to take the required 'positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

The Ryedale Plan states implicitly in SP19 that 'It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'. RDC's planning department have not worked proactively throughout my application as it's policy claims it will always do.

The only proposal from RDC was the replacing of my present occupancy restriction with a 'Local Needs' occupancy condition which I addressed in previous correspondence as worthless etc.

I remind you that I have been the only proactive participant throughout this application, it has been myself who has contacted the planning department for information.

1. I now require RDC to provide me with the specific planning policy that supported the imposing of 'local needs' conditions on existing inhabited dwellings that have previously had Approved planning permission?
2. I now require RDC explain why they requested I accept the imposing of a 'local needs' occupancy condition in return for removing my agricultural occupancy condition?
3. I request confirmation of the specific common planning policy that exists within Ryedale District Council that supported this aforementioned request?
4. Who instructed or advised council members that 'local needs' occupancy conditions could be used to replace other existing occupancy conditions?
5. Explain why no member addressed this issue prior to my involvement?
6. I require confirmation of the specific policy or guidance that supports the claim from the planning department that the Hillside Farm application complicated my application?
7. I request that RDC provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that they consider as eligible to purchase my property at this present time if it were subject to a 'local needs' condition?
8. I require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale if it was subject to a 'local needs' occupancy condition?
9. Confirm the action taken by RDC to address the issues raised in my letter dated 27/9/16?

I knew after I had read the Ryedale Plan through for the first time that 'local needs' occupancy conditions could only be applied primarily to new build dwellings, it is fair to say that council members should also have been able to come to the same opinion as myself after they had read the Ryedale Plan for the 1st time. I have no alternative but to concur that council members have either been deliberately deceived by council officials and possibly other members into their erroneous belief that the use of 'local needs' conditions as had been applied against the applicant of 'Eastfield Lodge' was acceptable planning practice, or that the members have been complicit in this deception and have deliberately agreed to use said 'local needs' conditions to the direct financial detriment of home owners.

I look forward to the reason the planning department present to members to justify their personal preference for a Refusal. I will be interested to know how RDC planning department will have been able to distinguish the difference between my application and the 'Eastfield Lodge' application.

I can only assume your reason for refusal will be something along the lines of claiming that,

- I have failed to provide a marketing exercise as required by SP21 g)(ii) and therefore failed to prove there is no demand for The Quarrels property in its present status, therefore the impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted as required by SP19.

For the council to be of the above opinion would mean they will have been unreasonable, ignored policy and therefore made an arbitrary judgement, misinterpreted policy SP21 g)(ii) as meaning mandatory which is contrary to established council policy from 3/6/14, ignored all of the supporting information provided, refused to judge application on a '*case by case*' basis as required by SP21 g)(i), will still want to impose a '*local needs*' condition in return. I repeat, the 3/6/2014 '*Eastfield Lodge*' decision established that RDC planning committee adopted and applied a specific meaning to policy SP21 g). I do not apologise for repeating the aforementioned established policy from 3/6/14 as it is fact.

I am of the opinion that any council official or member who refuses to accept the 3/6/2014 '*Eastfield Lodge*' decision as '*established policy*' should reconsider their position as a council official or member and then resign if they refuse to accept the validity of this '*established policy*'. There is no place for arbitrary planning decisions or such deceitful behaviour that attempts to provide arbitrary decisions within this LPA. All those involved in such conduct should be removed if they do not leave voluntarily.

You state in his email reply to me dated 15th Feb 2017 @ 10:18AM you state '*I will interpret your response in a manner that indicates you do not intend to advertise the property in accordance with the Council's normal policy requirements.*'

You refer to the '*Council's normal policy requirements*' and not '*Council's policy requirements*', this confirms you do not want my application to be judged using the same planning policy SP21 g)(i) as was used to judge the '*Eastfield Lodge*' application which resulted in an established planning policy SP21 g).

So I have to challenge you on this point to explain which part of council policy is '*not normal*'. This proves without doubt that there is selective application of planning policy under the stewardship of yourself and other RDC officials.

From my understanding of the applicable planning policy SP21 of the Ryedale Plan, policy clearly confirms that each application is to be judged on a '*case by case*' basis and that advertising the property is not a mandatory requirement of SP21 as has been proven by the previous council decision of the 3/6/2014 in relation to the '*Eastfield Lodge*' decision. Therefore your claim that I am not acting 'in accordance with the Council's normal policy requirements' is factually incorrect and deliberately misleading. On a point of fact, the Planning Inspectorate approve appeals that have not provided a marketing exercise as referred to above in Note 15 on Page 5.

RDC's official stance as stated above by yourself, the head of the planning department in dealing with my application gives me serious cause for concern. The planning departments constant refusal to accept '*established planning policy*' based on RDC recent planning decisions is unreasonable and further undermines the integrity of the planning process and decidedly promotes '*arbitrary*' decision making.

You stated at our meeting on the 26th Oct 2016 that my application was not straight forward due to my own personal circumstances surrounding this application and as such applications of this nature need to be assessed on a '*case by case*' basis by the committee. At that meeting I was hoping for RDC officials to be sincere, your response to my letter dated the 5/1/17 and my attempts to be provided with a planning committee judgement date for the 14/2/17 were anything but sincere, so I am still sitting in judgement on whether this council are in fact sincere or not. Proof to the sincerity of RDC officials will be determined by the content of the Appraisal they present to the planning committee and whether they treat me equal to the '*Eastfield Lodge*' applicant.

I have reasonably concluded that the planning and legal departments of RDC can not be trusted to provide the correct interpretation and application of relevant planning policies. They have proven themselves to be selective, unreasonable, arbitrary and readily available to 'abuse their position'.

I kept reminding RDC that this application should have been Approved by delegatable decision, I knew there were serious issues that would have to be addressed publicly if this application had to go to the planning committee. The following information I provide relates to the planning departments deliberate refusal to accept the established planning policy from the 3/6/14 'Eastfield Lodge' decision and constantly claim there is a need for me to provide a marketing exercise to prove if there is a demand for agricultural accommodation in the locality or not. You have left me with no alternative but to provide this information to you.

The Ryedale Plan is clear regarding granting approval for agricultural dwellings. SP21 c) (i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere. A condition will be applied.....

RDC planning policy expects accommodation for agricultural workers to be met in nearby villages and towns. This now obligates RDC into accepting all such accommodation in towns and villages as available housing stock for agricultural workers identical to those subject to occupancy conditions.

In October 2016 the Planning Officer Mrs Smith informed me a 3rd party application (*from Hillside Farm*) complicated my application. Yet, within 8 weeks she then told the the owners of Hillside Farm that their need for further accommodation for farm workers at Hillside Farm could be readily provided from within Pickering which was less than a 5 minutes drive away. This application at Hillside Farm was intended to serve a specific, functional need arising from the farm. This proves the planning department do interpret policy any way they like when it suits them.

Even though the owners of Hillside Farm have provided an appraisal that confirms there is a specific, functional need arising from the farm, RDC still expect accommodation provided within nearby villages or town some 5 minute away to satisfy the need of the farm.

The following information is taken from an Appeal Decision Hearing held on 28 January 2014 against Craven District Council, by Matthew Birkinshaw BA(Hons) MSc MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 18 February 2014 Appeal Ref: APP/C2708/A/13/2208126 Lingcrest, Kettlebeck Road, Eldroth, Austwick, Lancaster, LA2 8AP

6. 'In establishing whether or not there is a need for agricultural dwellings in the area the Council has referred to a planning application for a new house nearby. However, in a predominantly rural area, I am not persuaded that a single planning application from 2012 robustly demonstrates a significant level of demand. At the Hearing both parties also confirmed that the dwelling in question was intended to serve a specific, functional need arising from the farm where it was based.'

7. Moreover, information provided by the appellant demonstrates that within the same locality is another property for sale with an agricultural tie which has failed to sell since it was brought onto the market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.

In relation to note 6 above, this other application stated by Craven Council as defining a demand was clearly dismissed by the inspector as having no credence as the application was to serve a specific, functional need for the farm.

In relation to note 7 above, this confirms to me that the Planning Inspectorate placed a great deal of weight behind the presence of alternative accommodation being available in the area for

agricultural workers. Therefore it is only reasonable to expect LPA's to take into account the presence of all other available accommodation for agricultural workers in the locality and as such these are not limited to just those subject to occupancy conditions. See below.

One of the reasons why dwellings were subject to agricultural occupancy restrictions, was to provide affordable accommodation for agricultural workers within the locality of their work as agricultural workers could not be expected to pay local property values, this reason is still valid today but due to the fact there is now an established national minimum wage system low income is not limited to just agricultural workers.

When a dwelling similar to mine is situated in close proximity to a village, said property come into direct competition with 'For Sale' village properties, when there are much cheaper properties available 'For Sale' in the village free from planning conditions then it is only reasonable to assume these much cheaper properties are more readily affordable and available to agricultural workers than significantly higher value properties. So demand for accommodation by agricultural workers is provided by these cheaper properties.

Locality defined by RDC

I now remind you Mr Housden that at our meeting on the 26/10/16 you told me that I could find agricultural work within a 30 minute drive from my property and that you yourself can drive a long way in 30 minutes, you claimed you could drive to Thirsk in 30 minutes. For the record Thirsk is 24 miles from my property and I have done this journey in less than 30 minutes. You defined this a RDC stance on what is within the locality to my property. I told you that I had a different application of defining locality but I agreed to disagree with the official RDC application.

Taking the previously mentioned statement from council official Mrs Smith into consideration that suitable accommodation for Hillside Farm that has a specific, functional need, can be provided within the nearby town of Pickering, which is only a 5 minute drive away. This I understand is the official stance of RDC planning department for a farm that has a specific, functional need otherwise Mrs Smith would not have made this statement. You can volunteer a reply if this was a lie by Mrs Smith!

Using the official application provided by Mrs Smith that accommodation for an agricultural worker can be a 5 minutes drive from his work place I have concluded that my property is within about a 5 minute drive from Pickering, Kirkbymoorside, Normanby, Sinnington, Wrelton, Keldholme, Great Edstone, Great Barugh, Brawby and Salton. I know RDC officials and its members will agree with me that, agricultural workers are not restricted to only finding accommodation in dwellings that are subject to agricultural occupancy conditions, they are entitled to choose their own accommodation and location.

Taking this aforementioned information into consideration, homeowners of dwellings that are subject to an occupancy conditions have to compete with lower valued properties in the locality that are not subject to any occupancy condition.

There is cheaper accommodation advertised 'For Sale' in the towns, villages and surrounding areas of Marton than my property, the majority of these are available to agricultural workers. I have done a quick 20 minute search on Rightmove.co.uk and found the following properties which are advertised at less than £200,000 which is £40,000 below the lowest valuation of my property.

In Pickering there are 18 properties from £160,000 to 198,000, 8 properties from £130,000 to £159,000 and 6 properties from £60,000 to £120,000.

In Kirkbymoorside there are 2 properties from £160,000 to 198,000, 3 properties from £130,000 to £159,000 and 1 properties from £100,000 to £120,000.

In Marton there are 2 properties under £200k, 1 at £199,950 and the other at £153,000.

In Salton 1 property just under £190,000. In Brawby 1 property at £145,000.

In total I have demonstrated that there are a minimum 42 properties local to Marton within a 5 minute drive that are readily available to be bought by agricultural workers which will serve the local farming community as the aforementioned RDC planning officer stated to the owners of Hillside Farm and as is policy of the Ryedale Plan.

Accommodation for agricultural workers is no different to any other accommodation found in towns or villages. I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

There are many many more properties that are located within a 15 minute drive of my property that are below £200,000 value that can readily provide accommodation for agricultural workers. I can travel to Malton, Thornton le Dale, Helmsley, Appleton le Street and many more in 15 minutes.

Mr Housden confirmed on the 26/10/16 'locality' to my property is defined by RDC by the distance I can drive in 30 minutes. Based on Mr Housdens claim this means approximately 24 mile drive, this means RDC define locality to my property just about encompasses all of Ryedale and extends past to Thirsk, Whitby, Scarborough and the Easingwold areas. Locality has the same meaning as area. I am obligated to accept RDC's definition of 'locality' with this application though it differs from my own application.

On a point of fact, nearly all accommodation found within these boundaries and beyond that are below the £200,000 threshold are readily available to meet the needs of agricultural workers in the locality of Marton from either the north, south, east or west direction. I found well in excess of 150 properties For Sale under £200,000 within the locality (Ryedale area) of my property that would accommodate the needs of agricultural workers on Rightmove.co.uk all within a 30 minute, 24 mile drive of my property.

On a point of fact, my property does not need to be kept available to meet the needs of agricultural workers within the the locality (Ryedale district plus a bit more) just for the sake of complying with the condition, I would say that the present total of 150 properties available to the agricultural worker that are significantly cheaper properties than mine confirms there is presently sufficient housing stock for agricultural workers to choose from and all these are free from occupancy conditions.

As for keeping my property available for the needs of agricultural workers within the Marton parish or adjoining parishes, the accommodation needs for these workers can be met from the 42 properties available for sale within a 5 minute drive which follows the policy of the Ryedale Plan. My occupancy condition does not restrict me to such a small area and Mr Housden has stated on behalf of RDC that locality for me is within a 30 minute drive, which is a 24 mile drive. RDC are obligated to accept that this defining of locality to my property has a vice versa effect whereby it increases the number of available properties for agricultural workers significantly within the same area defined as being the locality for my work, that being all of Ryedale plus a bit.

Demand for agricultural accommodation is primarily dependant on the replacing of retiring farm workers at any given time and whether they are replaced with non family members. Many agricultural workers have short term plans and accommodation subject to occupancy conditions are deliberately overlooked for obvious reasons.

Because there is such a large number of cheaper accommodation available to agricultural workers in the locality of my property this significantly reduces any demand for my property.

Take into account note 7 from the aforementioned Craven Council appeal relating to 'another property for sale with an agricultural tie which has failed to sell since it was brought onto to market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.'

Note 7 confirms that Riverside Cottage located about three quarters of mile from my property has been advertised for sale for about the last 12 months and as far as I am aware, no interest has been shown is wholly relevant to my application as it defines an obvious lack of 'demand' in the locality of Marton.

I advised you it was in RDC best interest that this issue be passed by '*delegatable decision*' but you resisted this option. So you and RDC now find yourselves here, RDC's official definition of 'locality' as good as removes completely the validity and need for a marketing exercise as stated in the Ryedale Plan. I have proven that there are many properties available to agricultural workers in the locality to their place of work. All based entirely on the boundaries as specifically defined by yourself, a senior RDC official. I hope you feel proud of yourself as you are solely responsible for this fact being highlighted.

I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

I know you and your colleagues will try to concoct a reason to invalidate the above information or just ignore it completely, but you can not hide from its relevance in my application. I have totalled 42 properties available to agricultural workers all within about a 5 minute drive. There are more than 150 properties within the locality (applicable area) of my property for agricultural workers to choose from. As the planning inspector on the aforementioned Craven District Council appeal on the 28/1/14, '*this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.*' This fact alone as good as nullifies any 'Demand' for agricultural workers accommodation in the locality of my property. Take into account RDC determine that nearly all of the Ryedale area is within the locality of my property and this makes a complete mockery of the need to prove there is a '*demand*'. RDC's planning policy definition that '*locality*' extends to a place 24 miles from Marton, also defines the term '*local*' to a place that extends 24 miles from Marton.

Regarding the extensive amount of information I have provided within this application. I have been totally honest at all times, I have tried to provide unambiguous information at all times so there is no misunderstanding of the information provided. RDC appear to dislike the approach I have taken for some reason. I do not think the substantial amount of correspondence presented to RDC complicates the issues at hand. Those issues remain the same, I have proven through the established planning policy of 3/6/14 that there is no need for a 12 month marketing exercise. I have proven the usefulness of the condition has expired (18 years ago and I have been complying with that condition as I had no other option). I have proven with a 2nd reason that with there being over 150 properties available to agricultural workers in the locality of Marton this negates any need to prove any 'demand' does or does not exist. I have proven if I did need to provide a marketing exercise then the information provided to RDC would be sufficient to prove that the lack of '*demand*' and this application should be approved. I could go on but there is no point repeating the facts already provided. You are either going to accept the facts provided or you are going to continue to be arbitrary and continue to keep me unemployed.

I will be pursuing all the issues I have become aware of through my MP and I reserve the right to make public any other details I see fit.

Even though this letter is 12 pages I only expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I am giving you this opportunity and hope your response is more than just a straight denial of any wrongdoing as you did previously.

Regards

Colin Coote

Item Number: 12
Application No: 16/01227/OUT
Parish: Terrington Parish Council
Appn. Type: Outline Application
Applicant: Mr & Mrs P Scaling
Proposal: Erection of dwelling with retention of outbuilding as domestic garage/store (site area 0.064ha)
Location: Land To Rear Of The Forge North Back Lane Terrington

Registration Date:
8/13 Wk Expiry Date: 14 September 2016
Overall Expiry Date: 19 August 2016
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Recommend conditions
Building Conservation Officer	Concerns - recommends condition
Land Use Planning	No views received to date
Paul Jackson AONB Manager	No comments to make
Environmental Health Officer	Recommend conditions
Building Conservation Officer	Comments made

Neighbour responses: Sarah Moore, Ms Amanda Moss,

SITE:

This application site is located within the village of Terrington and within the designated conservation area. The site is rectangular in shape with a frontage of approximately 20 metres onto North Back Lane and a depth of approximately 32 metres.

The site is situated between Estate Cottage to the east and Terrington Primary School to the west. The site abuts the residential curtilage of The Forge which fronts onto Main Street further to the south of the site.

There are two existing buildings on the site. The existing outbuilding adjacent to the site frontage is proposed to be retained as part of the overall design approach.

PROPOSAL:

This is an outline planning application for the erection of a dwelling with the retention of outbuilding for use as garage/store. The application seeks permission for both access and layout at this stage with appearance, scale and landscaping reserved for further submission. The submitted plan shows a dwelling with a footprint of 12 metres by 8 metres which is located roughly centrally on the site with a back garden depth of approximately 11.7 metres as shown.

During the processing of the application further information has been submitted by the agent showing how the profile of the dwelling would sit in the street scene of North Back Lane. Land levels fall in a west / east direction along North Back Lane and the profile of the adjacent buildings in relation to the proposed dwelling have been shown on an indicative street scene drawing. The eaves and apex heights of the dwelling are shown as 5 and 8 metres respectively.

A Design and Access Statement (DAS) has been submitted with the application in addition to information from three local estate agents indicating their opinions on the demand for dwellings in the village from potential occupiers who are capable of satisfying the local needs occupancy condition that would be applied to the property if planning permission is granted.

HISTORY:

There is no history that is relevant to this site.

POLICY:

NPPF 2012

NPPG 2014

Ryedale Plan Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

APPRAISAL:

The main considerations in relation to this application are:-

- The principle of the development
- The impact of the designated conservation area
- The impact on the AONB
- The impact on amenity
- Highway safety matters
- CIL

Principle of development

The site is located in an 'Other village' location. The Local Plan strategy permits infill development within a continually built up frontage subject to the dwelling being restricted to the Local Occupancy Condition. In this case the plot is considered to be a bona fide infill plot and the application has been accompanied by information from three local estate agents to demonstrate that there is demand for such dwellings from individuals who are capable of satisfying the occupancy criteria. In such circumstances the principle of the erection of a dwelling on this plot is considered to be acceptable.

Impact on the designated conservation area

The site is located within the designated conservation area and has therefore been appraised by the Council's Building Conservation Officer. Whilst raising no objection in principle initial concerns were raised because the application was submitted in outline and detailed parameters were therefore requested to ensure that the development preserves or enhances the character of the designated area. The retention of the outbuilding on the site frontage is welcomed as this contributes to the character of the area.

Following these comments the agent submitted a further site plan and schematic street elevations showing the proposed building in the context of the surrounding properties.

The DAS show the dwelling to be constructed from stone with pan tile roof and timber windows with indicative sketches also shown. The BCO has expressed some core support over the status of this document , however it is possible to apply a condition to the planning permission to require the subsequent details requiring them to follow the principles and parameters set out in the DAS and indicative drawing if Members are minded to grant outline planning permission.

Subject to that proviso the proposal is considered to represent an enhancement to this part of the Conservation Area and the retention of the frontage building is also important in preserving this aspect of the existing street scene. Policy SP12 and the duty set out in Section 72 of The Planning Listed Buildings and Conservation Areas Act is considered to be satisfied.

Impact on the AONB

The village is located within the Howardian Hills AONB although the plot is located within the existing village development limits. The AONB manager has no comments to make on the application in terms its wider and scale impact and it is therefore considered that Policy SP13 of the adopted plan is satisfied.

Impact on amenity

The site is located within the existing village ,next to the primary school and next to existing residential properties on it southern and eastern boundaries. Following consultation responses have been received from the Head Teacher of the School and the occupier of Forge Cottage to the south. The Head teacher has made comments on this application and also in respect of another outline application to the west of the school submitted under reference 16/01226/OUT. Both application ware supported. In relation to this application the Head Teacher considers that the land (which is currently used for storage and car parking) would provide a better environment for children at the school and would be more in keeping with other properties in North Back Lane. New residential development would also be likely to bring families with young children to the village thereby assisting with pupil numbers . The impact of the development on the school premises is therefore considered to be of a positive nature.

The occupier of Forge Cottage has raised a number of issues which can be viewed in full on the Council's website. In summary these are :

Concern over the southern boundary;
Boundary on rising ground is tree lined and showing signs of erosion;
Possible additional risk of flooding/ subsidence;
Concerns over loss of privacy; and
Suggest a site visit is necessary.

Members will note that this is an outline application with some detailed matters remaining to be reserved for further consideration. In this case whilst the application site is located at a higher level than the objectors dwelling-house (the land rises from south to north) there is a back to back separation distance of over 33 metres between Forge Cottage and the indicative rear wall of the proposed dwelling as shown on the submitted plan. This is well in excess of normal back to back distances . Officers are confident that in considering this outline application that an acceptable design can be achieved under the reserved matters process to ensure that the amenities of adjacent occupiers is adequately protected . Matters of landscaping including boundary treatments are also proposed to be reserved for later consideration which would involve further consultation with third parties at that stage. There is no indication of any additional flood risk arising from the proposal. In any event a dwelling to be erected on this site would have to satisfy the necessary Building Regulations which in the normal course of events would cover detailed matters of construction and ground stability. The applicant's agent has confirmed that the applicant controls all of the land identified within the redline of the application site.

In summary the objections raised are noted but are considered by Officers to be capable of being adequately controlled at reserved matters stage. Third parties will be consulted and retain the ability to comment further at that point. It is suggested however that and informative is added to the outline planning permission if approved to draw the attention of future developers to the matters raised so that these can be considered early in the detailed design process.

The site itself is considered to provide for sufficient curtilage to meet the needs of the future occupiers and is satisfactory in this respect. Policies SP16 and SP20 are considered to be satisfied.

Highway safety matters.

No objections are raised by NYCC Highways subject to the imposition of conditions to provide for a site compound during construction, prevention of mud on the highway and provision of on site parking for the dwelling.

CIL

The development is liable for CIL which is chargeable at a rate of £85 / square metre of gross internal floor area. The chargeable figure would not be known in this instance until the reserved matters for the detail of the dwelling has been approved.

Other matters

Land Contamination

A Phase 1 report by MD Joyce Associates has been submitted and appraised. The report concludes that the risk of contaminants is low. Conditions are however recommended to require some ground investigation given the sensitive end use of the site. These would cover investigation, remediation if any contamination is found, a verification report and reporting of any unexpected contamination.

The Parish Council has considered this application and fully supports it - noting that 'a mature outbuilding with character is retained'.

In conclusion this application is considered to accord with both national and local planning policy and subject to the conditions listed below is recommended for approval.

- Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
- Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
- Local Plan Strategy - Policy SP12 Heritage
- Local Plan Strategy - Policy SP13 Landscapes
- Local Plan Strategy - Policy SP16 Design
- Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
- Local Plan Strategy - Policy SP20 Generic Development Management Issues
- Local Plan Strategy - Policy SP21 Occupancy Restrictions

National Planning Policy Framework
National Planning Practice Guidance

RECOMMENDATION: Approval

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than.

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

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 matters approved.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

(i) the layout, scale and appearance of every building, including a schedule of external materials to be used

(ii) the access to the site

(iii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

5 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

7 The details submitted for approval of reserved matters shall follow the principles and parameters set out in the Design and Access statement and Site Plan and Schematic Street Elevations shown on Drawing AR10 - Sheet No. 1 dated 20 January 2017, which also provides for the retention of the existing building on site which abuts the boundary with North Back Lane.

8 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems.

Reason: 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 receptors.

9 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: 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 receptors.

10 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: 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 receptors.

- 11 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: 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 receptors.

- 12 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason:- To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

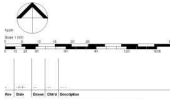
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



Location 1:250
North Back Lane Terrington
OS Grid Ref: 49875 12011
E 49875 N 42012

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PLANNING APPLICATION



bramhall blenkarn

RIBA Chartered Practice

North Back Lane (Site of Terrington Primary School)

North Back Lane Terrington

OS Grid Ref: 49875 12011 E 49875 N 42012

Mr & Mrs P Scallan

Location and Site Plan

Scale	A1	Scale	1:500 and 1:250
Date	02/10/15	RB	RB

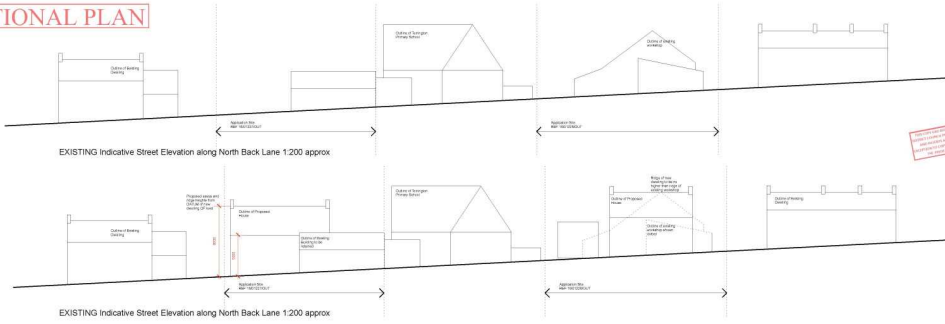
DATE VALID
28/07/16

1227	01	AR10	02
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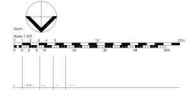


LOCATION OF SITES 1:200

ADDITIONAL PLAN



PLANNING APPLICATION



bramhall blenkarn

RIBA Chartered Practice

The Watlings, Bexley, North Avenue 1001 TQ8
 01825 85550 • 01825 85551 • 01825 85552 • 01825 85553 • 01825 85554 • 01825 85555

North Back Lane (west of Torrington Primary School)

North Back Lane Torrington
 Grid Ref SE 49334 47101 E 46953 N 47370

Mr & Mrs P Scolding

Site Plan and Schematic
 Street Elevations
 (including 3D perspective and 2D elevation)

Scale: A1 1:200

DATE	1227	01	AR10	01
03/05/17				

bramhall blenkarn The Maltings Malton North Yorkshire YO17 7DP
t:01653 693333 f:01653 693605 e:mail@brable.com www.brable.com

Outline Planning Application

Land to east of

Terrington Primary School

GR

E 466975 N 470752

Design & Access Statement

Incorporating

Flood Risk Statement

Rev B 03 03 2016

Introduction

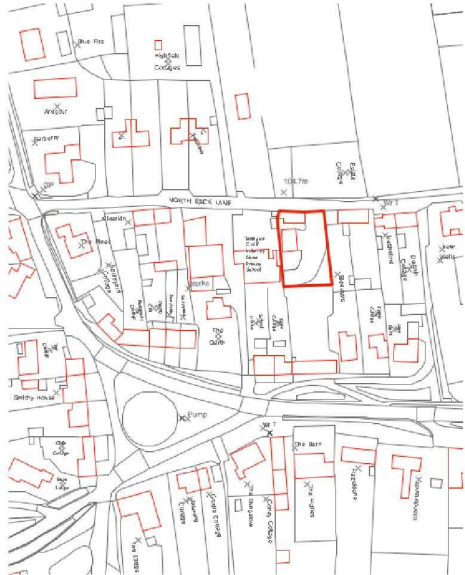
- 1 Introduction
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1.1 This document accompanies the outline planning application for construction of a single two storey dwelling at Terrington Grid Ref SE 466975 470752 on behalf of Mr & Mrs P Scaling.

The location of the site is shown on the adjoining plan and aerial view below.



Aerial view noting site



Location of site

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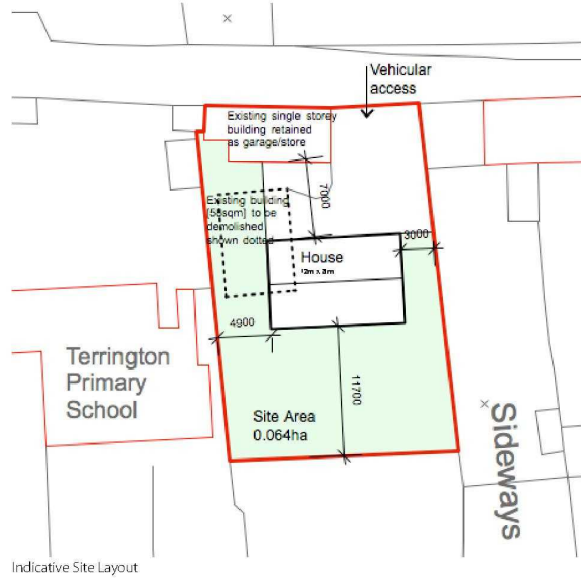
View of site from North Back Lane

Site Proposed

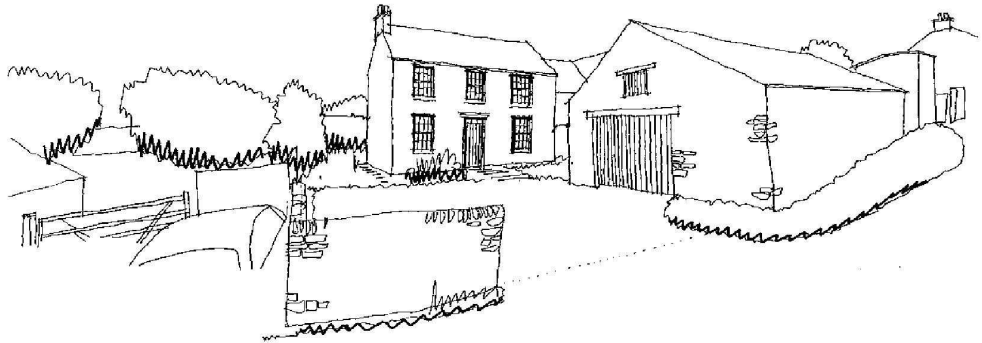
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3.1 The proposed development on North Back Lane Terrington, lies to the east of Terrington Primary School. The application will involve demolition of a 58sqm steel framed workshop, and its replacement with a two storey dwelling and associated parking. The indicative site layout is shown below. The overall site is 0.064ha.

3.2 The layout notes a two storey house with an external footprint of 12m x 8m and the existing single storey stone building retained as a store/garage. The site will utilise the existing vehicular access from North Back Lane.



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Indicative Sketch View

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4.1 The Ryedale Local Plan Policy SP2 notes that new development outside towns and service villages will be restricted to Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy. This site meets that criteria. The site is within the village development limits and is sited between buildings to both sides. Terrington Primary School is sited to the immediate West and a terrace of 2 storey dwellings to the East.

It is understood that a local occupancy clause will be applied to the consent if granted.

Policy SP21 Occupancy Restrictions notes that:

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. This policy will be applied in the following circumstances:

a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

It is understood that these conditions will be applied to the granted consent.

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Policy SP 12 The Enabling Development proposed can be accommodated without material harm to the character of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty and landscapes identified as being of local value

• Enabling Development proposed at or within villages is well related to their form, character and landscape setting

The proposal is for a new 2 storey dwelling set back 7m behind the retained single storey stone building to the front of the site adjoining the highway. The new dwelling is shown as 4.9m from the west boundary adjoining the school and 3m from the boundary adjoining the dwelling to the east. There is a south facing garden noted at 11.7 behind the house. The land beyond then drops away. The house would be designed to have secondary windows only to the side elevations. It is intended that the new house be constructed in natural stone with a pantile roof and timber painted windows. It is considered that as such, there would be no material harm to the setting.

NPPF Paragraph 128 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The proposed site has been vacant land, with the single storey stone building fronting the street, the former Blacksmith's Shop. There is a steel framed building of 58sqm on the western edge of the site behind the single storey building. This will be demolished. This particular building forms an important part of the streetscape and will be retained in its current form for domestic storage related to the house.

SP13 The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.

Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings

Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives

Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area

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The Terrington Conservation Area, which encompasses virtually the entire settlement, contains 10 buildings Listed as being of architectural or historic importance. The most notable of these are All Saints Church and Terrington Hall. The grass verges along the village street, the triangular grassed area with trees at the western end of the village and the grounds of Terrington Hall and Old Wells are all important features of the streetscene. None of these aspects are affected by the proposed new dwellings.

The Ryedale Local Plan notes that there is little opportunity for significant development within Terrington without adversely affecting the character of the village. Any new development will be restricted to infilling along the street frontage or the conversion of existing buildings. Within the village, new development will be expected to reflect the historic character and appearance of the settlement in terms of its relationship to the street and surrounding buildings, in its design and detailing and in the choice of materials used for its construction. The new dwelling is shown as stone built with a pantile roof covering. Windows are timber.

Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally.

The proposed site has been vacant land, with the single storey stone building fronting the street, the former Blacksmith's Shop. This particular building forms an important part of the streetscape and will be retained in its current form for domestic storage related to the house. The removal of the steel framed building will be a visual improvement to the streetscene.

Access and Accessibility

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6.0 Access & Accessibility

6.1 The dwelling would be designed to meet the requirements of Part M of the Building Regulations (Access to and Use of Buildings) as a minimum standard. Level access from car parking to properties and external areas.

Flood Risk Assessment

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7.0 Flood Risk Assessment

7.1 The extract below from the Environment Agency Map notes that the existing property is outside of any flood zone.

7.2 The plan shown blue highlights the additional extent of an extreme flood from rivers or the sea. These outlying areas (indicated by light blue) are possibly affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year. The dark blue areas indicate a risk from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year.



Flood risk map for site from Environment Agency website

Agenda Item 13

Item Number: 13
Application No: 16/01824/FUL
Parish: Whitwell-on-the-Hill Parish Council
Appn. Type: Full Application
Applicant: Miss Serena Brotherton And Mrs Sarah Brotherton
Proposal: Erection of 2no. semi-detached two bedroom dwellings with formation of associated parking area
Location: Land Off Main Street Whitwell On The Hill Malton

Registration Date:
8/13 Wk Expiry Date: 5 January 2017
Overall Expiry Date: 22 February 2017
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Foss Internal Drainage Board	Recommend conditions
Parish Council	Observations made
Archaeology Section	Recommend condition
Highways North Yorkshire	Recommend conditions
Paul Jackson AONB Manager	Observations made
Land Use Planning	No views received to date
Public Rights Of Way	Recommend informative

Neighbour responses: None

SITE:

The site is located on the southern side of Main Street, on the western end of the village of Whitwell on the Hill. The site measures 451 square metres (0.451 hectares) in area. Main Street is to the immediate north, with the back lane running to the south. The site is located within the Howardian Hills Area of Outstanding Natural Beauty.

PROPOSAL:

Erection of 2no. semi-detached two bedroom dwellings with formation of associated parking area.

Members should note that Officer's raised concerns regarding the initial scheme to erect 2no. semi-detached three bedroom dwellings. Furthermore, the Parish Council also raised concerns to the scheme. A letter was sent to the agent, stating the following:

Whilst there is no objection in principle to residential development on this site, it is considered that due to the limited size of the site in terms of its width and it tapering away south eastwards, the two dwellings would appear to be visually cramped and an over-development of the site. The site is prominent, exposed and the rises slightly from north to south. It is also a visual end stop to the built form on the southern side of the village. The eastern most dwelling proposed is also located in very close proximity to the west facing gable of the property Two Gables which has a large window on this elevation. It is also unclear from the plans as to where the exact boundary is on the eastern side of the site and whether there would be any boundary treatment here.

The proposed dwellings incorporate a further bedroom and en-suite in the roof. This has resulted in the dwellings being higher compared to neighbouring properties and properties opposite. They would appear dominant in relation to these existing properties and would not reinforce local distinctiveness of the settlement in terms of the heights. It is also unclear as to how the site levels would work on the ground.

Following these comments, a revised scheme was submitted, making the following amendments:

- Each of the dwellings are now 2 bedrooms and not 3 resulting in dwelling that are smaller in scale.
- The dwellings will be positioned 0.792 metres below the existing site level.
- From the proposed finished site level, the dwellings will measure 7.594 metres to the ridge and 4.755 metres to the eaves. The dwellings previously measured 8.113 metres to the ridge and 4.854 metres to the eaves from the proposed finished site level to allow for a second floor (room in the roof space).
- The dwellings are now positioned 3.4 metres to the west of the neighbouring property of Two Gables. Initially, they were 1.8 metres to the west of Two Gables.
- The applicant has provided clarity that the eastern facing ground and first floor windows on the property of Two Gables serve a pantry, kitchen, back hall, bathroom and landing/stairs. It should be noted that the kitchen also has a front facing window.
- The front (north) elevation fenestration details have been amended.
- Further information regarding the need for 2 small market dwellings in this location.

HISTORY:

There is no relevant planning history in connection with the site.

POLICY :

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

National Planning Policy Framework (2012)

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 11. Conserving and enhancing the natural environment

Chapter 12. Conserving and enhancing the historic environment

National Planning Practice Guidance (2014)

APPRAISAL:

The main considerations to be taken into account when considering the proposal are:

1. The Principle of Development
2. Local Needs Occupancy
3. Scale, Form and Detailed Design
4. Impact upon the Howardian Hills Area of Outstanding Natural Beauty (AONB)

5. Highway Safety
6. Impact upon Neighbouring Amenity
7. Archaeology
8. Drainage
9. Land contamination
10. Community Infrastructure Levy
11. Other Matters
12. Conclusion

1. The Principle of Development

The site is located within the Development Limits of Whitwell-on-the Hill. Whitwell-on-the Hill is classified as an 'other village' within the Ryedale Plan - Local Plan Strategy. Policy SP2 (Delivery and Distribution of Housing) is supportive of infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy within 'other villages'. It is considered that residential development would continue the built form on the southern side of the village. Therefore, the principle of residential development is acceptable in this location, subject to the Local Needs Occupancy restriction.

2. Local Needs Occupancy

The applicants currently provide a large number of rented properties within the village. They have stated that due to the increased demand for family homes in this location, they would like to build a further two homes for rental. A letter has also been received from the Estate Agents Routhwaite and Woodhead that outlines there is a significant shortfall of affordable 2/3 bedroom cottages to rent in Whitwell on the Hill and the surrounding area. They are currently trying to find rental properties for 2 young local people and 3 couples who are all gainfully employed in the area. The adjoining Parishes to Whitwell on the Hill are Welburn, Bulmer, Foston, Barton Le Willows, Crambe and Westow. It is considered that it has been demonstrated that there is a local need for 2 units in this location and therefore the Local Needs Occupancy restriction can be satisfied.

3. Scale, Form and Detailed Design

The semi-detached properties will have a total width of 10.6 metres along the frontage and run ridge-parallel to the road. They will have a depth of 11 metres and to the rear, have single storey off-shoots that form a kitchen. The applicants have recently built two properties further to the east of the village of similar scale, form and detailed design.

It is considered that the proposed development would follow the grain of settlement of Whitwell on the Hill in terms of the scale, siting, orientation, boundaries and spaces between the proposed dwellings. The dwellings also have adequate private amenity space commensurate to the size of the dwellings. Boundary treatments will be agreed at condition stage.

The architectural style and materials would mimic the local vernacular however it is recommended that conditions are attached requiring the submission of a sample panel of the materials to be used to ensure a satisfactory external appearance and to ensure the dwellings would comply with of Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy. Solar panels are also proposed on the southern roof slope. A low level retaining wall with a step down from the road level will be erected along the frontage.

4. Impact upon the Howardian Hills Area of Outstanding Natural Beauty (AONB)

The AONB Manager stated the following with regard to the initial scheme.

I have the following observations to make on this proposal:

1) *The applicants have demonstrated their ability to deliver well-designed and appropriately-sized housing units in Whitwell for many years and this proposal follows in that tradition.*

2) *The reduction in site ground level to match the adjacent property to the east will be particularly important in ensuring that the new dwellings don't overpower the vernacular cottages next door.*

Based upon these comments, it was decided not to re-consult on the revised scheme. It is therefore considered that the proposal will not detract from the natural beauty and special qualities of the AONB, complying with Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy.

5. Highway Safety

The Local Highway Authority stated the following with regard to the initial scheme.

Whilst no highway authority objections are raised in principle to the development, I have concerns that further vehicular use of the Back Lane, in order to access the new properties, will cause deterioration of the access construction at its junction with Main Street, thereby leading to debris being brought out onto the public highway. Please note that similar access arrangements are in place for the development approved under planning ref. 14/00983/FUL.

Clarification is therefore sought that the applicants (who are stated as being the owners of many properties in the village), can bring the first six metres of Back Lane up to a bound macadam standard, and include this as part of the development proposals. Some of the car parking spaces proposed will require vehicles to reverse out onto grass beside the surface of Back Lane on the opposite side, and it is recommended that additional areas are stoned-up to withstand this traffic.

The agent subsequently submitted revised plans, addressing the comments raised above.

The Local Highway Authority has stated the following with regard to the revised scheme:

In response to the comments forwarded from the Parish Council, the application site frontage is already subject to a visibility sight line condition attached to application refs. 14/00983/FUL & 15/00477/73A. The revised plan shows the first 6 metres of Back Lane to be made up and surfaced in macadam, and the existing Main Street carriageway is, in fact, the same width all along its length.

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted:

These conditions relate to the construction requirements for the private verge crossing, the parking for dwellings to be retained at all times, precautions to prevent mud on the highway and onsite parking, on-site storage and construction traffic during development.

The Public Rights of Way team at NYCC have advised that an informative is attached to the Decision Notice if planning permission is granted regarding the adjacent public right of way.

6. Impact upon Neighbouring Amenity

The nearest residential property to the site is Two Gables to the immediate east of the site. There are also residential properties over the road to the north of the site, approximately 18 metres away. These properties are known as Holly Tree House and Caroldene.

It is considered that due to the orientation of the properties, the positioning of the proposed openings and the what the windows on the western elevation of Two Gables serve, there will not be a material adverse impact upon neighbouring occupiers. This is in terms of being overbearing in presence, causing loss of light or loss of privacy, complying with Policy SP20 of the Ryedale Plan - Local Plan Strategy. No comments have been received from the occupiers of these properties. Boundary treatments will be agreed at condition stage.

7. Archaeology

The Heritage Officer at North Yorkshire County Council (NYCC) has stated the following with regard to the proposal:

There is a record for the village of Whitwell on the Hill in Domesday book from the 11th century and also in the 14th century lay subsidy roll. The present village appears to reflect the original medieval layout of two opposing rows with evidence for the medieval field system, visible as broad earthwork ridge and furrow, holloways and boundaries behind the village rows and beyond. The proposed development site lies on the street frontage in line with what would have been the original village layout, and appears to have been undeveloped since the 1st edition OS Map. Therefore there is the potential for undisturbed remains of medieval date to exist within the site.

Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141)

In order to secure the implementation of such a scheme of archaeological mitigation recording, I would advise that the following condition be appended to any planning permission granted:

Condition:

A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1. The programme and methodology of site investigation and recording*
- 2. Community involvement and/or outreach proposals*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.*

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

The above condition will be attached to the Decision Notice if planning permission is granted.

8. Drainage

The Foss (2008) Internal Drainage Board have stated the following with regard to the proposal:

The Board does have assets adjacent to the site in the form of Bulmer Beck/Spittle Beck and Outgang Drain; these watercourses are known to be subject to high flows during storm events.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board's area.

The site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

The Board notes that this is an application for the erection of 2 semi-detached, three-bedroom, dwellings along with formation of associated parking areas. This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

The Board notes that the application form indicates that the surface water from the development is to be disposed of via a soakaway. The Board welcomes this approach to surface water disposal however the application does not indicate if this is an existing facility or it is to be newly constructed for the purpose.

If the soakaway already exists the Board would suggest that the Local Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the additional volume of water that will be generated by the site. It is not sufficient for the applicant to rely on anecdotal evidence of its past performance.

If the soakaway is to be newly constructed the Board recommends that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain that the soil structure is suitable for a soakaway system. Should the testing prove to be successful the applicant should then submit a design for the soakaway, for approval by the Planning Authority, which would fully accommodate a 1:30 year storm event with no overland run-off for a 1:100 year event plus a 20% allowance for climate change.

If the testing of either an existing or a newly created soakaway proves unsatisfactory then the applicant will need to reconsider their surface water drainage strategy.

The Board has no objection to the principal of this development but suggests that any approval granted to the proposed development should include the following condition:

EFFECTIVE SOAKAWAYS

The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason: To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

The above condition will be attached to the Decision Notice if planning permission is granted.

9. Land contamination

The plot was formally used as a domestic garden space for Two Gables. The submitted Contamination Assessment Screening Assessment Form does not identify any evidence of contamination on the site.

10. Community Infrastructure Levy (CIL)

The proposal is the subject of the Community Infrastructure Levy. The applicant has assumed liability and the charge will be calculated at £85 per square metre (gross internal floor area).

11. Other Matters

Whitwell on the Hill with Crambe Parish Council stated the following with regard to the initial scheme.

We have considered the application and have the following observations regarding the access, scale of proposed buildings and enhancement.

1. It appears from the plans and after a site visit for perspective, that the site seems too small for 2 properties and that we suggest a bungalow which would be in keeping with the site line down the village where there are single story houses in-between semi detached properties.

2. There are several apparent drawbacks with the current position of the properties such that the road narrows at the proposed site, and this is likely to hinder access to the road for existing tenants whereby their drives enter onto Main Street and will be a foreseeable safety risk. Please can you inform us if Highways have commented on the proposed plans and if so what their opinion is of the road safety on Main Street at the proposed site.

3. Current tenants' cars and delivery vehicles and community service vehicles easily block safe access along Main Street particularly at the proposed site and it is likely that new tenants at the proposed site will park out side their front door which appears habitual for existing tenants, despite rear car parking.

4. There is substantial evidence of the visiting cricketer players parking their cars during the summer months causing such a safety hazard where the Main Street narrows at the proposed site.

5. A suggestion could be that proposed buildings are set further back off the main road and the road widened in front of the properties to allow for a delivery vehicle or community service vehicle for example to reduce the foreseeable ability of risk of an accident due to poor visibility.

6. In addition this would enable good visibility for the existing tenants in properties near to the proposed site to join Main Street in a safe manner.

7. The existing track to the east of the proposed buildings is in poor condition and we have observed numerous potholes- a new tarmac surface would be beneficial.

8. From the plans it appears that the proposed buildings are below road level- please can this be clarified.

9. We suggest that the ridge level of the proposed buildings should not be higher than the adjacent property.

10. Further that the eaves level of the proposed buildings should not be higher than the adjacent property.

11. It is not apparent from the plans whether the proposed buildings are in scale with the adjacent property and of those on the opposite side of the road- please can this be clarified.

12. Long term tenants and residents enjoy excellent views from their properties and it is important that the character of the village remains intact within the Area of Outstanding Beauty and new buildings are sensitively considered.

13. Whitwell on the Hill has signs on the A64 only for direction and the Parish Council request as an enhancement for the village should the planning be successful that 2 stone plinths are erected at each end of the village and it is hoped that funding will be available for 2 signs from AONB.

Whitwell on the Hill with Crambe Parish Council then stated the following with regard to the re-consultation of the revised plans:

Our comments were carefully considered at length and we are disappointed that the revisions are not reflective of this.

For example, the ridge level could be the same as the adjacent existing house and perhaps incorporating a dormer into the roofspaces that would fit with the existing street line.

There appears no acknowledgment of the potential hazards of the cars parking on the front of the properties and this could have been accommodated by moving the houses back. We remain of the opinion that this is a serious safety concern with likely impeded access and egress of the residents currently opposite the proposed houses.

We stand by our former comments regarding the tarmacking of the road and with only 6 meters being restored this will likely discourage new residents from using the formal car parking at the rear of the property.

We also have not received information regarding your planning colleagues suggestion of planning gain and the new sign posts at each end of the village for example.

Response to the Parish Council comments

Some of the points raised by the Parish Council in their initial response were requiring clarity on certain matters.

Their recent comments on the revised proposal conclude that the ridge level could be the same as the adjacent existing house. The proposed ridge height of the new dwellings is 7.59 metres (from the finished site level), with the ridge height of the adjacent property of Two Gables being 6.8 metres from the finished floor level. The difference therefore being 0.79 metres. A variety of the properties within the village are not the same height and vary in ridge and eave level.

The predominant character of the village is that of dwellings which run ridge parallel to the road, which these dwellings will also do. With regard to incorporating dormer windows, the agent has outlined that if dormers were to be included to the rear, there would not be enough roof space to then incorporate the solar panels. The solar panels are being installed to generate low carbon sources of energy.

In light of the comments made by the Parish Council in terms of highway safety, the Local Highway Authority are of the view that the proposal is acceptable in terms of highway safety, subject to conditions relating to the construction requirements for the private verge crossing, the parking for dwellings to be retained at all times, precautions to prevent mud on the highway and onsite parking, on-site storage and construction traffic during development.

New signs at the each end of the village are not considered to be relevant to this planning application and cannot therefore be reasonably required by way of a planning condition.

12. Conclusion

In light of the above considerations, the erection of 2no. semi-detached two bedroom dwellings with formation of associated parking area is considered to satisfy the relevant policy criteria outlined with Policies SP1, SP2, SP4, SP12, SP13, SP16, SP17, SP18, SP19, SP20, SP21 & SP22 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

c. The existing Back Lane access onto Main Street shall be improved by upgrading of layout as shown on Drawing Number PD211-01-C and upgrading of construction specification as shown on Standard Detail number DC/E9A for the first six metres, as measured from the carriageway edge of Main Street.

g. Provision to prevent surface water from Back Lane (beyond the first six metres to be upgraded) discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number PD211-01-C. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 6 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 7 Unless approved otherwise 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
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 8 Condition (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.

- 9 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.

- 10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.

- 11 Prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, complying with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason: To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding, complying with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 13 Prior to the commencement of the development hereby permitted, details of levels of the proposed development shall be submitted to and approved in writing by the applicant. Such details shall include existing levels across the site, together with finished floor levels, access and drainage runs.

Reason:- In the interests of the character of the area, the amenities of neighbouring occupiers and to satisfy Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 14 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 15 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

REVISED PLAN - OS SITE LOCATION PLAN & SITE BLOCK PLANS - Drawing Number PD211-01-C dated 07/02/2017.

REVISED PLAN - AS PROPOSED ELEVATIONS - Drawing Number PD211-03-D dated 07/02/2017.

REVISED PLAN - AS PROPOSED FLOOR PLANS AND TYPICAL SECTION - Drawing Number PD211-02-B dated 07/02/2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

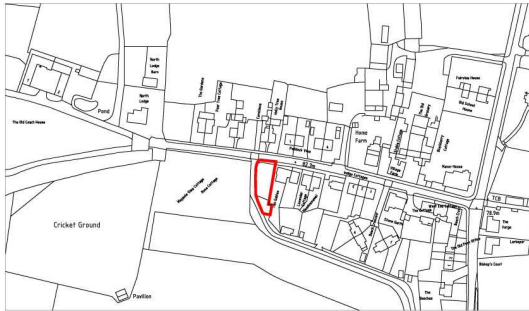
INFORMATIVES:

- 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 should be aware that the application site frontage is subject to a visibility sight-line condition applied under previous planning approvals. References: 14/00893/FUL (Condition 06) & 15/00477/73A (Condition 04).

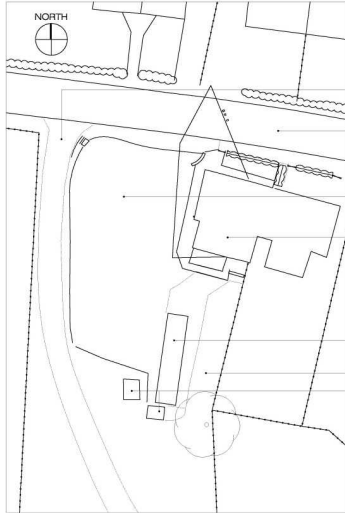
Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

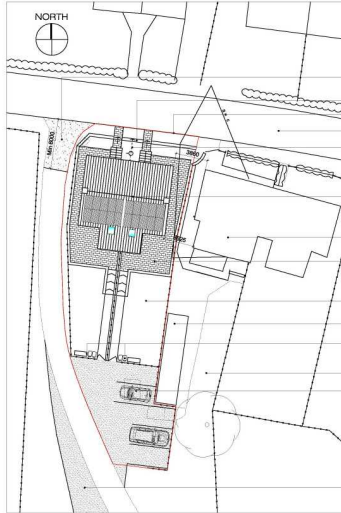


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OS SITE LOCATION PLAN
 (Scale 1:1250)

REVISED PLAN



AS EXISTING SITE BLOCK PLAN
 (Scale 1:200)



AS PROPOSED SITE BLOCK PLAN
 (Scale 1:200)

- Existing access to the rear of properties. Flat 6m of Back Lane to receive a bound meadow surface.
- Low level retaining wall with steps down from road level
- Plot line indicates site boundary
- Main Street, Whitwell-on-the-Hill
- To Connect to Existing Foot Drainage
- As proposed 2/No. three bedroom dwellings
- Two Gables
- As proposed public areas
- As proposed rear amenity spaces
- Existing outbuilding
- Space for oil tanks, bins and recycle storage.
- Rear access to Two Gables
- Existing timber sheds demolished and replaced with 2/No. parking spaces.
- Areas to be stored up to allow vehicles to reverse out of parking spaces.

Notes

Do not scale from this drawing or consider any dimension to be accurate.

This drawing is based on drawings & information received from the client. In the event of any discrepancy being found, these should be brought to the attention of the Prospect Design for further instruction.

This drawing is for Planning purposes only and is not to be considered a construction or setting out drawing.

North Point shown approximately.

The proposed layouts are subject to the following, although not exhaustive:

1. Structural Engineers Requirements.
2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Clearing approvals.
5. Building Regulations approvals.



C	Revised following meeting with P.D. 06.05.17	R.W.	07.08.17
B	Revised following planning consultation	R.W.	04.01.17
A	Revised following Highway consultation	R.W.	06.11.16
REV	AMENDMENT	DATE	DATE

PROSPECT DESIGN
 Architectural Services
 94 Newburgh, Milton, N Yorks, YO17 7JF
 Tel: 01953 862373 Mob: 07787700035
 email: info@prospectdesign.co.uk

Client: **MISS BROTHERTON**
 SOUTH LODGE
 WHITWELL ON THE HILL
 YORK, YO60 7JL

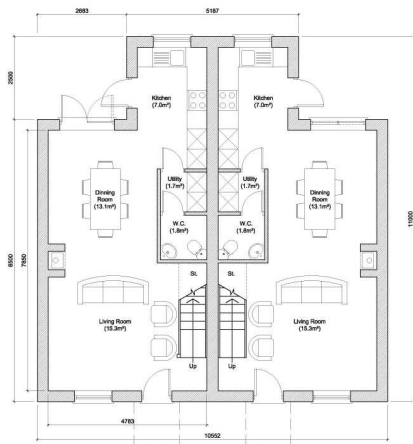
Job Title: **PROPOSED NEW BUILD ON LAND TO THE WEST OF TWO GABLES, WHITWELL ON THE HILL, YORK**

Drawing Title: **OS SITE LOCATION PLAN & SITE BLOCK PLANS**

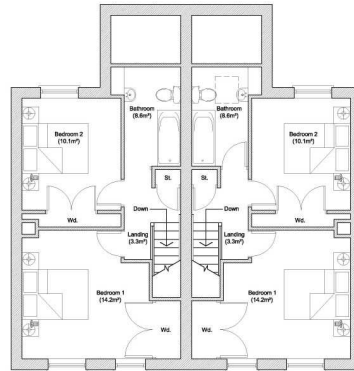
DATE ISSUED: 07/02/17

Scale: AS STATED @ A1	Drawn: R.W.
Date: 11.10.2016	Checked:

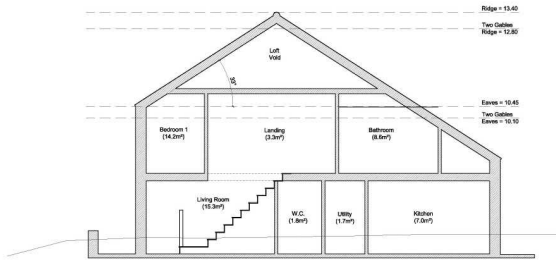
Drawing Number: **PD211-01-C**



AS PROPOSED GROUND FLOOR PLAN
(Scale 1:50)



AS PROPOSED FIRST FLOOR PLAN
(Scale 1:50)



TYPICAL SECTION
(Scale 1:50)

REVISED PLAN

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2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Clearing approvals.
5. Building Regulations approvals.

B	Revised following design meeting	R.W.	04.01.17
A	Revised following planning consultation	R.W.	04.01.17
REV	AMENDMENT	DATE	DATE

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS

PROSPECT DESIGN
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44 Newbiggin, Malton, N Yorks, YO17 7JF
Tel: 01533 862273 Mob: 07789720032
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Client: MISS BROTHERTON
SOUTH LODGE
WHITWELL ON THE HILL
YORK, YO60 7JL

Job Title: PROPOSED NEW BUILD ON LAND TO THE WEST OF TWO GABLES, WHITWELL ON THE HILL, YORK

Drawing Title: AS PROPOSED FLOOR PLANS AND TYPICAL SECTION
DATE PLOTTED: 07/02/17
Scale: 1:50 @ A1 Drawn: R.W.
Date: 11.10.2016 Checked:

Drawing Number: PD211-02-B

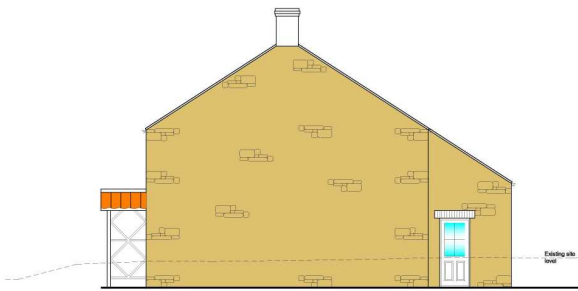
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 3. Drainage Requirements.
 4. Clearing approvals.
 5. Building Regulations approvals.



AS PROPOSED NORTH ELEVATION
(Scale 1:50)

AS PROPOSED SOUTH ELEVATION
(Scale 1:50)

REVISED PLAN



AS PROPOSED WEST ELEVATION
(Scale 1:50)

PROSPECT DESIGN ARCHITECTURAL SERVICES
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 email: info@prospectdesign.co.uk

B	Revised following meeting with P.O. 08.02.17	R.W.	09.02.17
C	Revised following design meeting	R.W.	20.02.17
D	Revised following planning consultation	R.W.	04.03.17
A	Ridge and eave heights shown	R.W.	01.11.16
REV	AMENDMENT	DATE	DATE

PROSPECT DESIGN Architectural Services
 44 Newcastle, Milton, N York, YO21 7JF
 Tel: 01533 862273 Mob: 07789720035
 email: info@prospectdesign.co.uk

Client: MISS BROTHERTON
 SOUTH LODGE
 WHITWELL ON THE HILL
 YORK, YO60 7JL

Job Title: PROPOSED NEW BUILD ON LAND TO THE WEST OF TWO GABLES, WHITWELL ON THE HILL, YORK

Drawing Title: AS PROPOSED ELEVATIONS	
Scale: 1:50 @ A1	Drawn: R.W.
Date: 11.10.2016	Checked:

Drawing Number: PD211-03-D



DESIGN AND ACCESS STATEMENT

For

Miss Serena Brotherton
South Lodge
Whitwell on the Hill
York
YO60 7JL

By

Richard Webster

Of

Prospect Design
64 Newbiggin
Malton
N Yorks
YO17 7JF

Project number Project title

PD123	Erection of 2no. semi-detached 3 bedroom dwellings on Land to the West of Two Gables, Main Street, Whitwell-on-the-Hill, York
-------	---

Assessment carried out by

Date

Richard Webster	01 st November 2016
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1.0 INTRODUCTION

- 1.1 This statement has been prepared on the instruction on the applicants, Miss Serena Brotherton & Mrs Sarah Brotherton to provide supporting information in relation to an application for full planning permission for the erection of 2No. three bedroom dwellings

2.0 SITE ANALYSIS

- 2.1 The proposed site is located to the South of Main Street in the village of Whitwell on the Hill at the end of the existing run of houses directly to the West of Two Gables. The built form of the village continues to the west on the Northern side of Main Street. The site is currently unused and presents an opportunity to provide a pair of semi-detached dwellings to the end of the existing streetscene.
- 2.2 Whitwell on the Hill is best accessed from the A64 from Tout Hill. Whitwell on the Hill has local public transport links with Malton and York which in turn have national connections.
- 2.3 The site is in the Hawardian Hills Area of Outstanding Natural Beauty
- 2.4 The proposed development lies within the site boundary as identified on both the site block plan and site location plan.
- 2.5 The site is relatively flat and level.
- 2.6 The existing footprint of the site is 451m².

3.0 PROPOSAL AND RATIONAL

- 3.1 Planning permission is been sought for the erection of 2No. three bedroom dwellings with good sized private gardens and parking to the rear. Vehicular access will be provided to the rear via Back Lane as identified on the OS site location plan and the site block plans.
- 3.2 The applicant's currently provide a large number of rented houses within the village of Whitwell on the Hill. Due to increased local demand for family homes the applicant is looking to develop the site to provide a further two such homes for rent.

4.0 PLANNING POLICY

The following planning policies have being considered, above, while developing this scheme

The Ryedale Plan – Local Plan Strategy

SP2 – Delivery and Distribution of New Housing

SP4 – Type and Mix of New Housing

SP13 – Landscapes

SP16 – Design

SP19 – Presumption in Favour of Sustainable Development

SP20 – Generic Development Management Issues

SP21 - Occupancy Restrictions

SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

National Planning Policy Framework (NPPF)

Section 7 - Requiring good design

- 4.1 The proposed site is situated at the end of a run of mostly two or three bedroomed semi-detached dwellings directly to the South of Main Street directly to the west of Two Gables but to the East of Back Lane which serves as access to the rear of these properties. The site can therefore be considered as infill development as described in Policy SP2.
- 4.2 The development proposed is therefore supported in principle, and bearing in mind the presumption in favour of sustainable development set out in NPPF and policy SP19 of the Local Plan Strategy, should be granted planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.
- 4.3 The development will add to the types and mix of housing available providing additional rented accommodation suitable for families in this location where there is an apparent shortfall.
- 4.4 As stated above the streetscene is made up of mostly two or three bedroomed semi-detached dwellings with larger detached dwellings located throughout the village. The age of the properties is mixed particularly on Main Street with newer infill constructions between older more established properties.
- 4.5 The applicants are keen to provide good sized family homes with three well-proportioned bedrooms. In order to achieve this the loft space has been utilised as an additional bedroom. This has resulted in slightly higher eaves (10.45) and ridge (13.80) heights than the neighbouring Two Gables. The proposed ridge and eaves heights are however comparable to other houses along Main Street such as Paddock View with an eaves height of 10.80 and a ridge height of 14.50.
- 4.6 The proposed dwellings have been designed to high standard using materials which are consistent with those typical of this location. Entrance porches, typical to the village will add further interest to the front elevation of the properties. Most of the existing properties are stone built with brick features under clay pantiled roofs which the new dwelling matches.
- 4.7 The proposed development will be sensitive to the character of the settlement

- and not harmful at all to the visual amenity of the surroundings.
- 4.8 It is felt the design provides a satisfactory standard of residential amenity. The development offers reasonably sized three bedroom, family, accommodation. The proposed dwellings are provided with generous, South facing, amenity space to the rear of the properties surrounded by close boarded timber fencing. 5 number parking spaces are also provided to the rear of the development together with space for oil tanks, waste disposal and recycle storage space (refer to as proposed site location plan).
- 4.9 To reduce the impact of the proposed development the site level will be reduced by approximately 700mm.

5.0 DESIGN SOLUTIONS

- 5.1 The following drawings show the Design Solution and form the basis of the Planning Application:

- | | | |
|---|----------|--|
| 1 | PD123-01 | OS Site Plan and Site Location Plan. |
| 2 | PD123-02 | As Proposed Floor Plan and Elevations. |

6.0 SITE ACCESS / CAR PARKING

- 6.1 Vehicle access to the proposed developments will be via Back Lane as indicated on the OS site location and site block plans.
- 6.2 Pedestrian access will be directly from Main Street with a separate, disabled, paved access from the car parking to the rear.
- 6.6 The proposed development will not have a detrimental impact on the highway network. The development uses an existing access from Back Lane to Main Street as identified on the site location plans. The proposed development will have a limited increase to the number of vehicular movements to Main Street / Back Lane which can be easily accommodated.

7.0 SUSTAINABILITY

- 7.1 Sustainability has been a key consideration from the start of the design process. The applicant is endeavouring to use electric to heat and provide hot water to the properties with the proposed photovoltaic panels providing much of this energy. This is however subject to attaining a positive SAP evaluation so the provision of oil tanks is included in this application.
- 7.2 The proposed parking area will be finished with permeable gravel with any hard landscaping draining into soakaways. Surface water drainage will also discharge into soakaways with suitable collection to control the flow during times of high rainfall.

7.0 BUILDING ENTRANCES

- 7.1 Access into the proposed new dwelling will be in accordance with current Building Regulations.

Subject: 16/01824/FUL- Land off Main Street, Whitwell on the Hill

From: Jo Denton
Sent: 07 December 2016 18:59
To: Development Management
Cc: Sam Cook; Mike and Fiona Le Masurier; Lance Thompson; John TEALE
Subject: Planning Application No: 16/01824/FUL- Brotherton

Dear Karen,
thank you for your letter dated 14.11.16 re Planning Application No: 16/01824/FUL- Brotherton

We have considered the application and have the following observations regarding the access, scale of proposed buildings and enhancement.

1. It appears from the plans and after a site visit for perspective, that the site seems too small for 2 properties and that we suggest a bungalow which would be in keeping with the site line down the village where there are single story houses in-between semi detached properties.
2. There are several apparent drawbacks with the current position of the properties such that the road narrows at the proposed site, and this is likely to hinder access to the road for existing tenants whereby their drives enter onto Main Street and will be a foreseeable safety risk. Please can you inform us if Highways have commented on the proposed plans and if so what their opinion is of the road safety on Main Street at the proposed site.
3. Current tenants' cars and delivery vehicles and community service vehicles easily block safe access along Main Street particularly at the proposed site and it is likely that new tenants at the the proposed site will park out side their front door which appears habitual for existing tenants, despite rear car parking.
4. There is substantial evidence of the visiting cricketer players parking their cars during the summer months causing such a safety hazard where the Main Street narrows at the proposed site.
5. A suggestion could be that proposed buildings are set further back off the main road and the road widened in front of the properties to allow for a delivery vehicle or community service vehicle for example to reduce the foreseeability of risk of an accident due to poor visibility.
6. In addition this would enable good visibility for the existing tenants in properties near to the proposed site to join Main Street in a safe manner.
7. The existing track to the east of the proposed buildings is in poor condition and we have observed numerous potholes- a new tarmac surface would be beneficial.
8. From the plans it appears that the proposed buildings are below road level- please can this be clarified.
9. We suggest that the the ridge level of the proposed buildings should not be higher than the adjacent property.
10. Further that the eaves level of the proposed buildings should not be higher than the adjacent property.
11. It is not apparent from the plans whether the proposed buildings are in scale with the adjacent property and of those on the opposite side of the road- please can this be clarified.

12. Long term tenants and residents enjoy excellent views from their properties and it is important that the character of the village remains intact within the Area of Outstanding Beauty and new buildings are sensitively considered.

13. Whitwell on the Hill has signs on the A64 only for direction and the Parish Council request as an enhancement for the village should the planning be successful that 2 stone plinths are erected at each end of the village and it is hope that funding will be available for 2 signs from AONB.

On behalf of Whitwell with Crambe Parish Council
Lance Thompson Clerk
Pond Farm
Crambe
York
YO6 7JR

CC

Observations made

28.02.2017

From: Jo Denton [<mailto:jodenton@live.co.uk>]

Sent: 27 February 2017 19:37

To: Charlotte Cornforth

Subject: Re: Planning Application 16/01824/FUL - Land Off Main Street, Whitwell On The Hill - Proposal: Erection of 2no. semi-detached two bedroom dwellings with formation of associated parking area

Hi Charlotte

Our comments were carefully considered at length and we are disappointed that the revisions are not reflective of this.

For example, the ridge level could be the same as the adjacent existing house and perhaps incorporating a dormer into the roof spaces that would fit with the existing street line.

There appears no acknowledgment of the potential hazards of the cars parking on the front of the properties and this could have been accommodated by moving the houses back . We remain of the opinion that this is a serious safety concern with likely impeded access and egress of the residents currently opposite the proposed houses.

We stand by our former comments regarding the tarmacking of the road and with only 6 meters being restored this will likely discourage new residents from using the formal car parking at the rear of the property.

We also have not received information regarding your planning colleagues suggestion of planning gain and the new sign posts at each end of the village for example.

We look forward to hearing from you.

Kind regards,

on behalf of Whitwell with Crambe Parish

Lance Thompson

Parish Clerk.

Item Number: 14
Application No: 16/01854/LBC
Parish: Staxton/Willerby Parish Council
Appn. Type: Listed Building Consent
Applicant: Mr Darrel Crick
Proposal: Installation of a log burning stove with external flue to east elevation roof slope
Location: Sows Ear Cottage 2 Staxton Farm Yard Main Street Staxton Scarborough North Yorkshire YO12 4TA

Registration Date:
8/13 Wk Expiry Date: 14 February 2017
Overall Expiry Date: 2 February 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Parish Council No views received to date
Building Conservation Officer Object

Neighbour responses: None

SITE:

Sows Ear Cottage is part of a Grade II Listed curtilage, which includes the area where the development is sited. It is also within the Staxton Development Limit.

The listed building description:

Foldyard wall and farmbuilding. Late C18. Chalkstone with irregular sandstone quoins; pantile roof to building and sandstone coping to wall. Corner site. 1-storey building with attached wall approximately 3 metres high. No opening on street. Raised eaves band and hipped roof to building. Sloped coping to wall. Included for group value. Building on yard side of wall not of special interest.

PROPOSAL:

The application is for the installation of a log burning stove with external flue to east elevation roof slope, which has been carried out without Listed Building Consent.

The flue is 1.9m in height and is 140mm above the roof line of the building. It is constructed of stainless steel and has an unpainted (shiny) finish.

There has also been a log burner installed which is connected to the flue which is installed in the roof of the dwelling.

HISTORY:

There is no relevant history.

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP 12 - Heritage

Policy SP 16 - Design

Policy SP 19 - Presumption in Favour of Sustainable Development

Policy SP 20 - Generic Development Management Issues

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

Chapter 12. Conserving and enhancing the historic environment

APPRAISAL:

The main consideration taken into account is:

i) The impact upon the Listed Building

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires *the Local Planning Authority to give special regard to the desirability of preserving the Listed Building or its setting or any features that it possesses.*

The main considerations to be taken into account are the impact of the alterations upon the significance of the Grade II listed building in terms of its historical and architectural fabric.

In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset. Listed Building Consent was sought for the installation of a log burning stove with external flue to east elevation.

The work has already been completed prior to a Listed Building Consent application being submitted. These alterations are therefore regarded as unauthorised works to the listed building.

The Councils Building Conservation Officer has objected to the scheme and has made the following comments:

Sows Ear Cottage is a Grade II Listed Building. It is located on a corner with the main street and a narrow side lane. The building forms the boundary along the side lane and it is highly visible.

This is a clearly modern intervention in a former agricultural building. The long and low nature of the building is complimented by its location alongside a narrow street which funnels the view. The flue is a highly visible strong modern vertical element that jars with the traditional long and low form of the building.

The presence of tv aerials giving vertical emphasis compounds the distracting visible presence of the flue.

It is also considered that the flue can be seen from most angles when viewed from the public realm. Although positioned adjacent to Slope Lane (which is a quiet access road), the development can be seen from various view points looking south from Main Street. The height of the flue also means that it is visible above the roof line of the building and as such can be seen from within the cluster of buildings.

Policy SP12(Heritage) states that, designated historic assets and their settings, including Listed Buildings will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset will be resisted unless wholly exceptional circumstances can be demonstrated.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal.

If the application is refused as recommended, then measures to remove the flue are also required to secure the removal of the flue and the restoration of the roof to its former condition. In this instance, it is considered that appropriate enforcement action should be taken.

RECOMMENDATION: Refusal

- 1 The installation of a log burning stove with its associated stainless steel external flue to east elevation roof slope by virtue of its harm to the significance of the Grade II Listed Building is considered to be an inappropriate and unsympathetic alteration to the special interest of the listed building. The development is therefore contrary to the requirements of Policies SP12 and SP16 of the adopted Ryedale Plan - Local Plan Strategy and contrary to the advice contained in Section 12 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework.

- 2 Enforcement Action be taken to secure the removal of the external flue and restoration of the roof.

Background Papers:

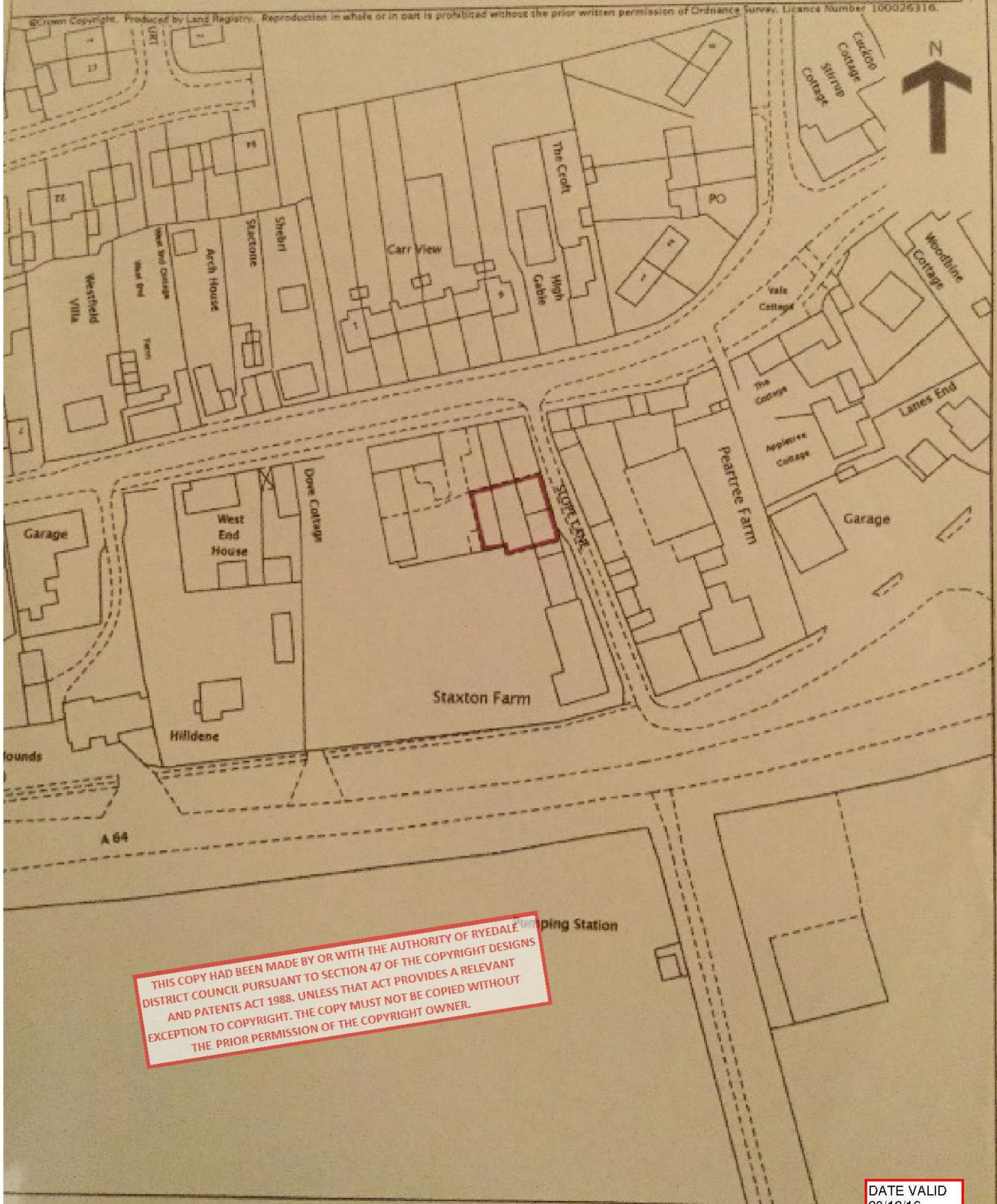
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

Land Registry
Official copy of
title plan

Title number NYK320863
Ordnance Survey map reference TA01795E
Scale 1:1250 enlarged from 1:2500
Administrative area North Yorkshire : Ryedale



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DATE VALID
20/12/16

Item Number: 15
Application No: 16/02013/HOUSE
Parish: Oswaldkirk Parish Meeting
Appn. Type: Householder Application
Applicant: Mr Michael Aheme
Proposal: Erection of replacement front porch and removal of front entrance steps
Location: Pavilion House The Terrace Oswaldkirk Helmsley YO62 5XZ

Registration Date:
8/13 Wk Expiry Date: 28 February 2017
Overall Expiry Date: 22 February 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Paul Jackson AONB Manager	No comments to make
Paul Jackson AONB Manager	Concerns raised
Parish Council	Support
Building Conservation Officer	No objection

Neighbour responses: Ms Jacqueline Anne Young, P Thompson, Mr Steve Thompson,

SITE:

Pavilion House is a two storey dwellinghouse, mainly constructed of sandstone with a clay pantile roof. The dwelling is also sited within the Oswaldkirk Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty.

PROPOSAL:

The application is for the erection of a replacement front porch and the removal of front entrance steps.

The initial showed a replacement front porch which was to be measured at 1.4m in length by 1.9m in width and a height of 2.1m to the eaves and 2.7m to the ridge. The proposed roof pitch of the porch is 35 degrees.

The applicant then submitted revised plans, due to comments raised during the consultation period. This involved the reduction of the porch and changes to its design. The proposal now measures at 1.5m in width, although there is no changes in the length and height.

The existing access to the porch via the front steps has also been proposed to be removed for safer access. New steps have been constructed on the eastern corner of the dwelling.

HISTORY:

There is no relevant history for this site.

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP12 Heritage
Policy SP13 Landscapes

Policy SP 16 Design
Policy SP 19 Presumption in Favour of Sustainable Development
Policy SP 20 Generic Development Management Issues

Planning (Listed Buildings and Conservations Areas) Act 1990

Section 66

National Planning Policy Framework (2012)

Chapter 7. Requiring good design
Chapter 12. Conserving and enhancing the historic environment

APPRAISAL:

The main considerations to be taken into account are:

- i) Character and Form
- ii) Impact upon the Oswaldkirk Conservation Area
- iii) Impact upon the AONB
- iv) Impact upon neighbouring amenity
- v) Other Matters

i) Character and Form

The proposed porch will be constructed from stone corresponding with the host dwelling with UPVC glazing and doors. The original roofing material will be retained, which also matches the dwelling roof.

Although the building is estimated to be built in around the mid 1800s, it does feature modern interventions. It is considered that replacing the porch and access will enhance the frontage of the dwelling and will also be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials in accordance with Policy SP 16 Design.

ii) Impact upon the Oswaldkirk Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise of planning functions in respect of Conservation Areas 'Special attention shall be paid to the desirability of preservation or enhancing the character or appearance of that area'

The dwelling already features modern interventions including heavy barge boards, exposed soffits and the existing porch.

Before revised plans were submitted, the Councils Building Conservation Officer had raised some concerns regarding the design of the porch. These included:

- The porch protrudes out to much
- The door styles need to be more traditional, with the doors being half glazed - half panelled.
- The window styles to be more traditional.

The revised plans features a more traditional approach to the openings and a reduced width of the porch. The proposal is considered not to create any additional harm, and is considered to enhance the special character of Pavilion House. The Building Conservation Officer has now no objections with the proposal and is considered to be in conformity with Policy SP 12 (Heritage).

iii) Impact upon the AONB

Policy SP13 - Landscapes states that, The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB and its setting will be carefully considered

As the site is located within the AONB, the AONB Manager at North Yorkshire Country Council has been consulted. Some concerns were raised in relation to the initial scheme.

Again the main concern raised by the AONB Manager was the increase in size of the porch and also stating; "Pavilion House is the only property on that section of The Terrace that has a porch. The current structure is of a conventional design and has a glazed window that is visible along the street, whereas the proposed structure would have doors that would be visible from both the eastern and western viewpoints. In my view the proposed porch would be out of character with the remainder of the properties on The Terrace, of a design that is not vernacular and which is out of proportion to the dwelling, and as a consequence would have a detrimental visual impact on the Oswaldkirk Conservation Area."

However, the porch has been reduced in size and the design has been changed, resulting in a reduced impact on the Oswaldkirk Conservation Area.

With this in mind, it is considered that the principle of the new porch and its design is in conformity with SP13 of the Ryedale Plan - Local Plan Strategy

iv) Impact upon neighbouring amenity

Several letters of objection have been received from neighbouring occupiers of Ewe Cote, Malt Cottage of The Terrace and also from an objector based in London. These objections were generated as part of the consultation process for the initial scheme and also for the revised scheme.

Occupier of Ewe Cote

- A replacement porch will further offend the streetscape.
- The area of the porch is larger.
- Steps have already been built.
- The materials are acceptable

Occupier of Malt Cottage

- The porch will protrude too far out
- The proposal will not keep within the conservation plan
- The proposal has a negative impact on the proposal
- The porch needs replacing
- The materials are acceptable.

Objector from London

Comments prior to revised plans:

- Impact on the character on the street
- The site has been over-developed in recent years
- The heavy materials to be used will have a negative impact
- The proposed porch breaks the character by extending out to the road
- Proposed extension will have minimal impact on the energy efficiency

Comments after revised plans submitted:

- Revised plans and elevations are inconsistent in presenting the dimensions of the porch.
- The materials used, and the proportions proposed are still at odds with the unique character of the property.
- Inconsistent with the line of development on The Terrace.

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

It is considered that there will not be a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

With regards to the comments raised in relation to the size and design of the porch. These concerns have been acknowledged by the applicant and revised plans were received, outlining the reduced overall size of the porch and a more traditional approach has been proposed. Although no further comments were made by neighbouring occupiers after revised plans were submitted, it is considered that the size and design of the porch is in conformity with the Conservation Area and AONB, as well in compliance with Policy SP16 (Design).

Concerns raised surrounding materials have also been noted. However it is considered that the use of stone will correspond with the host dwelling and surrounding area far better than the existing concrete textured blocks. The existing tiled roof will be retained creating less of an impact upon the street scene. There are already uPVC elements featured on the main house, and the proposal intends to match and be sympathetic to the building.

v) Other Matters

Oswaldkirk Parish Council support the application stating "The Meeting noted that the current porch on Pavilion House is in a poor state of repair. The Meeting considered that the proposed replacement would enhance Pavilion House and the associated street scene and as a result supported the application."

In the light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP12, SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):
Proposed Elevations - Drawing Number:05690095-01,03,05,07
Design and Access Statement
Site Location Plan - Validated on 03/01/17

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

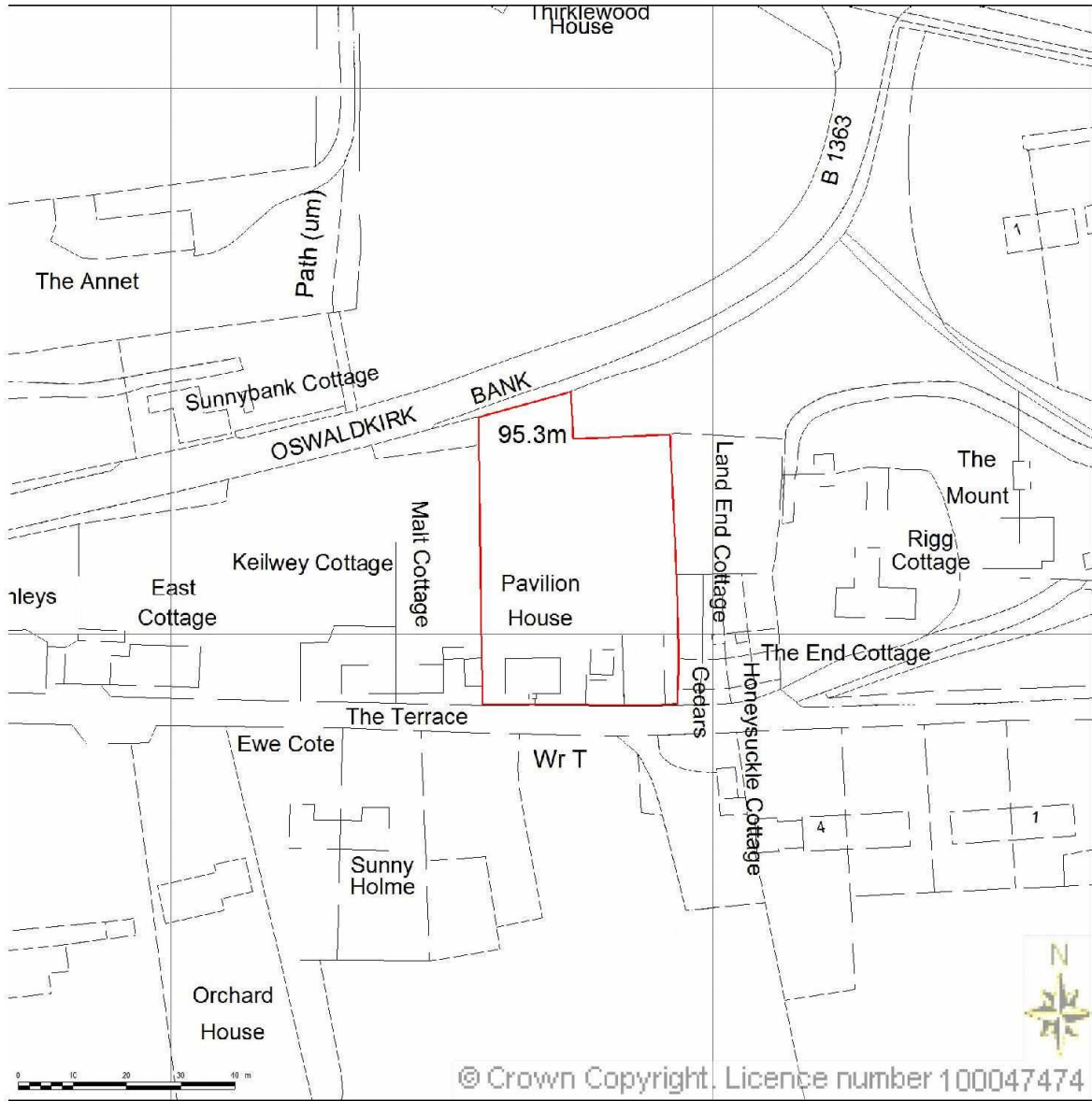
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

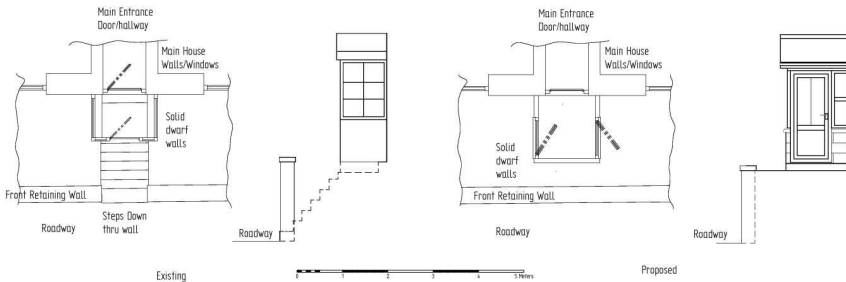
SITE LOCATION PLAN
AREA 4 HA
SCALE 1:1250
CENTRE COORDINATES: 462570, 479115



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DATE VALID
03/01/17

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CLIENT:
Michael & Susan Aherne
Pavilion House
The Terrace
Oswaldkirk
YO62 5XZ

DATE
 08/20/17

NO.	REV.	DATE	DESCRIPTION
1	01	07-02-2017	Elevations
2	02		Pavilion House - Front Porch
3	03		
4	04		

UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE
 2 R. 4130 3/16 XXXXX

REVISED PLAN

REVISION HISTORY			
NO.	DESCRIPTION	DATE	APPROVED



Front Elevation Existing.

Front Elevation Proposed.

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CLIENT:
Michael & Susan Ahern
Pavilion House
The Terrace
Oswaldkirk
YO62 5XZ

DATE
08/08/17

NO.	DATE	DESCRIPTION	BY
01	07-02-2017	Elevations	
02		Pavilion House - Front Porch	
03			
04			

UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN MILLIMETERS
 UNLESS STATED OTHERWISE
 2 R. 4130 3/16 XXXX

REVISED PLAN

REVISION HISTORY		
NO.	DESCRIPTION	DATE



East Elevation
Existing.



East Elevation
Proposed



Small red rectangular stamp or note, partially illegible.

CLIENT:
Michael & Susan Aherne
Pavilion House
The Terrace
Oswaldkirk
YO62 5XZ

NO.	DATE	DESCRIPTION

DATE	07-02-2017
DESCRIPTION	Elevations
PROJECT	Pavilion House - Front Porch
SCALE	A1
PROJECT NO.	05690095-05
DATE	04

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ELEVATION HISTORY		
NO.	DESCRIPTION	DATE

REVISED PLAN

West Elevation
Existing.

West Elevation
Proposed

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CLIENT:
Michael & Susan Aherne
Pavilion House
The Terrace
Oswaldkirk
YO62 5XZ

DATE
08/02/17

NO.	DATE	DESCRIPTION
01	07-02-2017	
02		
03		
04		

Elevations

PROJECT	Pavilion House - Front Porch		
SCALE	A1	05690095-07	04
UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE			
2 R. 41.00 3 R. 41.00			

Design and Access Statement

Full Planning Permission
Refurbishment of Front Porch
to an existing dwelling
at
Pavilion House
Oswaldkirk
YO62 5XZ

M.J. & S.E. Aherne

20th December 2016

Document Reference: 05690095DA

Introduction

This statement is to accompany a Full Planning Application for the carrying out of alterations to provide a refurbished front porch to the front elevation wall at Pavilion House, Oswaldkirk.

The proposed works comprise the partial removal of the existing porch, and rebuilding in matching stone walls, matching the current windows of the property, and maintaining the existing style of the roof.

A Design & Access Statement is required because Pavilion House is within the Oswaldkirk Conservation Area, and development therein is guided by the 2011 Oswaldkirk Conservation Area Assessment & Management Plan, adopted by Ryedale District Council 08/12/2011 as a Supplementary Planning Document. Oswaldkirk lies within the Howardian Hills Area of Outstanding Natural Beauty.

Design

Pavilion House - Description.

Probably built in the mid 1800's, this two storey home is of local sand stone construction under a clay pantile roof with twin chimneystacks. The upper windows in the south, road facing front wall are semi-dormers with modern uPVC wood-grain effect traditional sash windows installed, the ground floor windows are modern wooden 'Yorkshire' style horizontal sash windows. The eastern gable end wall has uPVC wood-grain effect traditional sash single windows at each floor level; the rear access door to the property is located to the northern side of the east wall. The western gable wall is plain without fenestration. These substantial walls are of traditional coursed stone construction to the exterior face, the interior surface being of double brick, with an overall thickness in excess of 45 cms. The house is a non-designated heritage asset, built in the Victorian villa style, retaining much of its original internal and external features. Externally, cast-iron 'effect' rainwater goods have been sympathetically added to preserve the original architectural style.

Proposal Details.

The design of the proposed alteration is intended to be sympathetic to the existing house whilst slightly increasing the floor area of the existing porch, and will provide adequate space for access to the front door, which is currently problematical due to the nature of the step within the existing porch. Probably built in the 1960's, the refurbishment of the porch will improve the appearance of the property by removing unsightly concrete textured block dwarf walls and replacing them with stone walling that matches the building. Additionally, the proposed alteration will eliminate water ingress from the existing porch roof into the front wall of the house; the timber-frame porch structure has deteriorated to the extent that it is no longer structurally sound or water-tight. The finish applied to the replacement external, visible uPVC elements of the refurbished porch will be wood-grain effect, and coloured to match the building's main windows. The existing tiled roof will be retained but upgraded, as the tiling style matches the main roof colour and design. This modification to the fenestration is intended to be sympathetic to the vernacular of a nineteenth century building.

Privacy of Neighbouring Property.

The refurbishing of the porch will have no impact on other properties; the existing porch is half-glazed, and this style is continued in the proposed change. Sighting from the porch in all directions remains 'as is' and will not be changed.

Access

The current access is to the front face of the porch, up seven very steep and dangerous steps. This proposed alteration moves the entrance door to the sides, where access can be achieved safely on level pathways.

There is an implication for highway concerns; with the current arrangement - the steps drop directly onto the roadway, blind to traffic on The Terrace, without any sighting breaks. The revised layout of the porch and its pathways eliminates the associated risk of personal collisions with vehicles, and there will be no effect to the existing traffic regime along The Terrace.

Planning Policy

The main policy document against which the development will be assessed is the Ryedale Plan - Local Plan Strategy. Policies SP12 Heritage, SP16 Design, and SP18 Renewable and Low Carbon Energy are the most relevant to determination of this application. Supplementary guidance is provided by the Oswaldkirk Conservation Area Assessment & Management Plan.

Policy SP12 - Heritage

Whilst this policy deals mainly with historic features of Ryedale, it does contain important policies which are applicable to the application, and in particular clause 7.6 of Section 7 refers directly to the Oswaldkirk Conservation Area Assessment and Management Plan.

The copying of the porch style, windows, doors and stone sill details, and placement of the porch will ensure that the development is sympathetic to the character and appearance of the original property, and its neighbours in terms of porch placement, its scale, visual character, materials and design details. The design style reflects the elements identified within the Oswaldkirk CAAMP as being of significant importance to the protection of the visual amenity of the existing building, street-scene and Conservation Area.

The replacement doors and windows will not have an adverse effect on the street-scene or the Conservation Area. Because of their design, they will blend completely with the others in the property, and the aim is to make them look as if they are authentic features of the house.

The level of private amenity space about the dwelling is unaffected by this proposal. The change does not materially affect it by increasing or reducing that space.

A review of the sight-lines from the existing windows has been performed to ensure that the privacy of the nearest neighbour is not compromised, and has demonstrated that the new windows will not have an adverse effect on the amenity of adjoining residents.

Policy SP16 - Design

This Policy deals mainly with new developments, but also contains important clauses regarding Extensions and Alterations in Section 7, clauses 7.21 and 7.22

The overall design concept, with its stated aim of keeping the replacement porch appearance exactly in keeping with the existing traditional style of the building will ensure that this development will be appropriate and sympathetic to the character and appearance of the host building, Pavilion House, in terms of scale, form and use of materials.

The scale of the design for the refurbishment works is in sympathy with the style of the host building, reflecting the soft sand-stone lower parts, white wooden style windows and a tiled roof of identical colour to the main roof finish.

The form of the design is harmonious with Pavilion House, replicating its structural element details, but in a reduced size format.

Use of materials to form the refurbished area is in keeping with the existing materials found in Pavilion House, and is intended to reflect the character and reinforce the local distinctiveness of the existing building,

Policy SP18 – Renewable & Low Carbon Energy

This Policy is the primary driver for the proposed refurbished porch design concept.

Reduction in carbon emissions is one of the key concepts within the Ryedale Local plan. The refurbishment of the front porch is necessary to eliminate considerable heat loss from the front of Pavilion House, due to the poor insulation and build standard of the existing porch, and the transition between the two elements of the building.

With modern insulated windows, PIR foam insulation to the lower dwarf wall, and the roof having 100mm of PIR foam incorporated within its construction, close fitting and properly designed standard doors that meet Building Regulations L1B, the overall heat loss from the porch will be dramatically reduced.

Effective thermal separation between the porch and the house is achieved by retaining the existing traditional timber separating door, upgrading the draught proofing and installing a low threshold draught seal. The porch is un-heated, and no work is being undertaken on any of the existing thermal elements of Pavilion House, thus the porch is exempt from the energy efficiency requirements of Regulation L1B. Additionally, the porch refurbishment poses no significant risk to energy efficiency of Pavilion House

Conclusion

We consider that this proposal is justified when assessed against Local Plan Policies, and against local Supplementary Planning guidance

The policies of The Ryedale Plan support this application and it is not contrary to National Planning Policy Framework in Section 12 - Conserving and enhancing the historic environment, as appropriate to the Oswaldkirk Conservation Area.

An assessment of the proposal shows how the development is appropriate to Pavilion House, and its surroundings. The design of the refurbished porch compliments the house, and allows for sympathetic improvement to the dwelling whilst retaining the overall character of the building. It will not have any adverse impact on the landscape or local streetscape, or result in harm to the neighbouring properties. It will not create any highway or access concerns.

We believe that we have satisfied planning policy considerations and as there are no other material considerations to weigh against determination of the application in accordance with The Ryedale Plan, permission for the proposal should be granted.

M J Aherne
BEng (Hons), MRAsS,
December 2016

Subject: FW: Support - STAT - 16/02013/HOUSE

From: dm@ryedale.gov.uk
Sent: 11 January 2017 20:29
To: Development Management
Subject: Comments for Planning Application 16/02013/HOUSE

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:28 PM on 11 Jan 2017 from Mr Mark Clook (Secretary of Oswaldkirk Parish Meeting).

Application Summary

Address: Pavilion House The Terrace Oswaldkirk Helmsley YO62 5XZ
Proposal: Erection of replacement front porch and removal of front entrance steps
Case Officer: Joshua Murphy
[Click for further information](#)

Customer Details

Name: Mr Mark Clook (Secretary of Oswaldkirk Parish Meeting)
Email:
Address: 11 St Oswald's Close, Oswaldkirk, York, North Yorkshire YO62 5YH

Comments Details

Commenter Type: ie Site/press notice
Stance: Customer made comments in support of the Planning Application
Reasons for comment:
Comments: OSWALDKIRK PARISH MEETING The planning application was discussed at the meeting of Oswaldkirk Parish Meeting on 11th January 2017. The Meeting noted that the current porch on Pavilion House is in a poor state of repair. The Meeting considered that the proposed replacement would enhance Pavilion House and the associated street scene and as a result supported the application.

Item Number: 16
Application No: 17/00133/FUL
Parish: Sinnington Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Ward
Proposal: Erection of a detached four-bedroom dwelling with detached double garage and ramped personal access
Location: Land Adj Riverdell Main Street Sinnington Pickering

Registration Date:
8/13 Wk Expiry Date: 29 March 2017
Overall Expiry Date: 23 March 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area) Recommend refusal
Land Use Planning No views received to date
Parish Council Object
Highways North Yorkshire Recommend conditions
Building Conservation Officer Object

Neighbour responses:

Mr John Johnson, Nicholas & Jane Staley, J & D J Tumbull, Mrs Fiona Shepherd, Piers & Farrell Burnett, Mrs Rowena Berriman, C Mudd, Mrs E M Sellers, Mr Alec Thompson, John Buller & Brenda Cooper, Mr Trevor Robinson, Mr & Mrs Flanagan, Mr Douglas Oughton, Mr D Brown, B & S Clements, Mr & Mrs G Richardson, C & L Grainger, Mrs D Crummack, J C & A M Page, Mr Peter Greaves, Mr Malcolm Hunter, Brian & Janet Ambler, Michael & Linda Swinnerton, Ms Helen Milen, Mrs Karen Selby, Pamela Aveyard, Melanie Underwood, Peter & Norma Rees, Mr George Norman Moon, Mrs Caroline Kennan, Mr R M Howe, Mr P Barratt-Atkin, Mrs E Sommerville, Mr Andrew Stephens, Rev Brian N Shackleton, Josephine Harvey, Mrs Paula Appleby, Mrs Debbie Mitchell, Mrs Chris Jackson, Alan & Susan Hutton, Ruth Wass, Mrs Sally Edwards, Anne Wilson, Mr James Wass, Mrs Sue Pickersgill, Julie Snowden, Mr & Mrs B Mitchell, Catherine Slowther, Mrs Denise Simpson, Mr Alan Harkness, Mrs Janet Pearson, Lady Elizabeth Kirk, Mr L Scaling, Mr Jonathan Wilson, Mr Geoffrey Waller, Mr John Edmondson, Shelley Campbell, Mr Lee Mitchell, Mrs Denise Bartlett, Mr David Ramsden, Mrs Helen Browes, Roger & Christine Hudson, Mr Fred Nightingale,

SITE:

The application site contains an area of land currently used for grazing. Its frontage to Main Street comprises a field gate measuring 5m in width. The site widens to the west with a rear boundary measuring 27m in length and a depth of approximately 50m. The site is located between Riverdell, a detached bungalow, and Meadow Croft an end terraced property.

The site area approximately measures 750m². The majority of the application site is within the development limits of Sinnington and within its Conservation Area.

The site is located within Flood Zone 3, and it is understood that in past flood events the site has flooded and provides an outfall for flood waters on Main Street that protects other properties along Main Street.

PROPOSAL:

Planning permission is sought for the erection of a detached dwelling. The proposed dwelling is to be located behind the terrace of properties to the south and behind the building line of Riverdell to the north. The building will have an undercroft with 3 floors above. The main part of the dwelling will measure 8m in depth by 6 m in width and 7m to the eaves height and 11m to the ridge height. It will feature a lower attached part that will have a footprint of 7m by 5.5m and be 3.7m to the eaves height and 5.4m to its ridge height. An elevated pedestrian walkway is proposed on the northern side of the dwelling at up to 1.6m above ground level.

A detached double garage is proposed to the south western side measuring 6.3m in width by 6m in depth.

It is proposed to erect the dwelling from brick under a tiled roof with UPVC or aluminium windows and doors.

HISTORY:

The planning history of the site includes:

2016: Planning application withdrawn for the erection of a dwelling

2015: Planning application withdrawn for the erection of a dwelling

POLICY:

National Policy

NPPF 2012

NPPG 2014

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP4 - Type and Mix of New Housing

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application are:

- The principle of a new dwelling in this location;
- The siting, scale and design of the proposed dwelling;
- The impact of the proposal upon designated heritage assets and whether the proposal will preserve or enhance the character and appearance of the Sinnington Conservation Area;
- The impact of the proposal upon the amenity of the adjoining neighbours;
- Whether the proposal will have a satisfactory level of residential amenity;
- Highway safety;
- Potential contamination;
- Drainage; and
- CIL

The principle of a new dwelling in this location and flood risk issues

Sinnington is not a 'Service Village', as such it is regarded as an 'Other Village'. In such locations, Policy SP2 of the Local Plan Strategy permits infill development within a 'continually built-up frontage' restricted to Local Needs Occupancy. The plot itself is not considered to be an infill plot, and not within a continually built up frontage. The width of frontage of the site is 5m, being a field access. The dwelling is located behind the building lines of both adjoining properties. By virtue of the shape of the site, and its limited frontage, the development of this site as proposed is not considered to constitute infill development 'within a continually built up frontage'.

The requirements of Local Needs Occupancy are set out in Policy SP21, which states:

'a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or*
- *Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or*
- *Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- *Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years'*

There has been no information submitted to demonstrate who is intended to occupy the proposed dwelling and its need of new housing which cannot be provided by the existing housing stock. The policy is designed to prevent speculative new development in such villages as Sinnington and to only allow new residential development where a need has been established. This issue has been brought to the agent's attention previously through the pre-application enquiry and on the previous 2 planning applications. In the absence of this information, the principle of the proposed development is not established.

Furthermore, the site is located within Flood Zone 3. The detailed letters of objection confirm the site has flooded in the past, and it is used as an outfall for surface water on Main Street. This reduces the flood risk to properties to the south and minimises the flood event to other properties in the locality.

In respect of assessing flood risk para. 101 - 103 of NPPF states:

'101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.*

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'*

Furthermore, Policy SP17 of the Local Plan Strategy and the National Planning Practice Guidance also requires the application of the Sequential Test to development at risk of flooding, such as this proposal. A Flood Risk Assessment has been submitted that considers the site to be suitable for development. The Environment Agency has been consulted and objects to the application as there has been no sequential test evidence submitted with the application. The Environment Agency state that the development of sites such as this should be avoided where there other reasonably available sites with a lower probability of flooding. In addition the Environment Agency has confirmed that the submitted FRA, is inadequate as it does not take into account climate change or consider the effect of a wide range of flooding events, including extreme events. The Environment Agency has stated:

'Regarding previous applications for this site it was assumed that flood flows were coming out of bank from the River Seven across the field towards the development. Evidence provided by local residents suggests that the flooding mechanism is that flood flows come out of bank upstream of the road bridge, flow across the village green and down Main Street, and return to the River Seven through the development site. Following the accounts submitted by the residents we have investigated this matter further and confirmed that this is correct.

As this is a narrow (pinch) point for the return of flood flows to the river it is imperative that the flood flow route and associated flood flow rates are maintained so as not to increase or exacerbate flood risk to others for the lifetime of the development. You will therefore need to clearly demonstrate that the development can be built in such a way that flood flow routes and flood flow rates are not altered. Alternatively, the development should be moved away from the flood flow route so that the issue is more one regarding loss of storage which can be more easily mitigated for.'

In essence, the applicant is required to demonstrate why the proposed dwelling has to be located on this site, and that there are no other suitable locations for the proposed dwelling (Sequential Test). If the Sequential Test is met, the Exception Test has to be applied. Only if both the Sequential Test and Exception Test are met, should the principle of residential development in this location considered be acceptable. As no need for a dwelling of this type and size in Sinnington has expressly been justified (pursuant to Local Needs Occupancy), the search area for the sequential test is considered to be wide, and not limited to Sinnington. This is because the Council's residential strategy seeks to focus new residential in the most sustainable settlements, in this case Pickering and Kirkbymoorside are identified as Local Service Centres and a focus for growth. Moreover, in the absence of an adopted Housing Allocations DPD, the search area is not necessarily constrained by the location of development limits. The agent has stated that the applicant does not own any other land and so this location is the only place a new dwelling could be located. That in itself, is not considered to be sufficient to meet the Sequential Test in this case. As stated above, no information has been submitted regarding the motivation for the application and the need for the dwelling, and why the existing housing stock cannot provide the accommodation that is required. Given the wide search area for the Sequential Test, including both Pickering and Kirkbymoorside, it is considered that there are opportunities to develop a single dwelling on land with a lower risk of flooding. It is therefore considered that the proposed site fails the Sequential Test.

Notwithstanding the above point regarding the Sequential Test, it is considered that the development of this site, including the ground works, hard surfacing and the introduction of structures will inevitably reduce the route flood waters would take currently and prevent the passage of water back to the River Seven. As a result it is considered that the development of this site is likely to exacerbate flooding elsewhere in the locality.

In view of the above, there is no need demonstrated for the proposed dwelling, and the proposed dwelling does not meet the requirements of Policy SP2 of the Local Plan Strategy in terms of its relationship to surrounding properties. In addition, based on the submitted information the site has not passed the Sequential Test, the Flood Risk Assessment is inadequate, and the development of the development of this site is likely to exacerbate flooding to other properties within the locality. The principle of a dwelling on this site is therefore not considered to be established.

The siting, scale and design of the proposed dwelling

In terms of design, para. 56 and 57 of NPPF states:

'56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

'57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'

In addition, Policy SP 16 of the Local Plan Strategy states:

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings....'

Policy SP20 of the Local Plan Strategy also seeks to ensure new development does not adversely affect the character and appearance of the locality it is to be situated within.

The proposed dwelling features an undercroft with 3 storeys above, and a raised pedestrian link along the northern boundary of the site. The design of the dwelling has been strongly influenced by the unusual shape of the application site and its location within Flood Zone 3. Nonetheless the siting, scale and design of the proposed dwelling and raised pedestrian link is at odds with the character and appearance of Sinnington. Whilst there are some 3 storey properties in the village these comprise a traditional terrace of dwellings with no undercroft.

The details of the design, including the raised area to allow cars to pass underneath, the steep roof pitch, the front gable, large barge boards/eaves detailing, and materials are not considered to be representative of the local vernacular in Sinnington.

The raised pedestrian link is completely at odds in this rural village and introduces a wholly discordant feature.

The dwelling at 11m at its highest point is somewhat higher than the bungalow to the north by approximately 4m and 2.5m higher than Meadowcroft to the south. In addition, the existing terrace of 3-storey dwellings to the south measure approximately 8.7m in height. This stark and dramatic change in heights is considered to be harmful to the character and appearance of the village.

In view of the above the proposal is considered to conflict with NPPF and Local Planning Policy.

The impact of the proposal upon designated heritage assets and whether the proposal will preserve or enhance the character and appearance of the Sinnington Conservation Area

Policy SP12 of the Local Plan Strategy states:

'Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated.'

S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

The Council's Buildings Conservation Area has stated that she objects to the proposal as outlined in her earlier memo dated 28 July 2016 in relation to application 16/1086/FUL. It has also been stated:

'In addition, this design is alien to the character of the conservation area due to its strong vertical emphasis. There is a predominance of attached properties in the vicinity giving a long and low horizontal emphasis to the streetscene. The height and width proportions of the proposed dwelling has a strong vertical emphasis that is exacerbated by the steeply pitched dormer window and is an alien form in this context. In my opinion it does not accord with the Planning (Listed Building and Conservation Areas) Act which imposes a duty to have special regard to the preservation or enhancement of conservation areas.'

The harm identified above upon the heritage asset (Sinnington Conservation Area) by virtue of the siting, scale, design and materials proposed dwelling is not considered to be outweighed by any benefits associated with the scheme. The proposed development is also not considered to preserve or enhance the character and appearance of the Sinnington Conservation as required by S72.

The impact of the proposal upon the amenity of the adjoining neighbours

Policy SP20 of the Local Plan Strategy states:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impact on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

The proposed dwelling is to be sited 1m from the northern boundary to Riverdell and 3.5m from Riverdell itself. It is also to be 2m from the boundary to Meadowcroft and 5.5 m from the property itself. The proposed dwelling measures 7m at eaves height and 11m at ridge height. It is considered that this close arrangement of dwellings and excessive height will give rise to an overbearing impact upon the amenities of the occupiers of the adjoining properties. Furthermore the proposal is also considered to give rise to an unacceptable loss of sun lighting and day lighting issues for those adjoining properties.

It is noted that the side windows on the proposed dwelling are to be obscure glazed. However, the proposed raised pedestrian walkway and elevated outside area to the rear is considered to introduce an unacceptable level of potential overlooking towards the adjoining properties, particularly Riverdell. The pedestrian walkway is directly on the northern boundary and it will be raised above the current ground level by up to 1.6m, thereby a person's eye level could be at least 3m above the current ground level affording clear views into the private amenity space of Riverdell. The proposal will also reduce the level of privacy to the adjoining properties by virtue of the raised terraced area.

In view of the above the proposal is considered to have an adverse effect upon the amenity of the adjoining neighbours and to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.

Whether the proposal will have a satisfactory level of residential amenity

The proposed dwelling has a satisfactory level of private amenity space. However, this area is constrained by virtue of the design of the scheme.

Highway safety

The application site has an existing vehicular access onto Main Street. The local Highway Authority has confirmed that there are no objections in terms of highway safety subject to conditions.

Potential contamination

A screening assessment has been submitted that has not identified any potential areas of concern in regard to land contamination.

Drainage

Foul water is to drain to the mains, and surface water is proposed to be drained to soakaways. There is concern that soakaways would not be appropriate in times of flooding and could exacerbate the current flood risk.

CIL

The development is chargeable to CIL, and the current charge has been calculated at £13,770, should the application be approved.

Other issues:

The Parish Council has objected to the proposal in relation to flood risk and the appearance of the proposed development.

This application has attracted 59 letters of objections at the time of writing the report. These objections focus on flooding implications; the appearance of the proposed development and its impact upon the Conservation Area; emotional and financial implications (particularly upon elderly residents); highway safety; that more affordable housing is required and not large 4 bed detached properties which are said to be in abundance; residential amenity impacts from the proposal; and that the scheme does not address housing needs. It is described in the majority of letters how the site is used to alleviate flood waters in times of a severe downpour when the river cannot cope and Main Street floods. The site is used as a natural way of draining surface water away from other properties on Main Street to the south of the site and back to the River Seven. The diversion of flood waters in this manner is said to reduce the flood risk to other properties. It is noted that there is strong feeling in the village on this point and there are concerns about how the proposal could make flooding worse for other residents. It is acknowledged that 'Slowing the Flow' has made some difference, nevertheless, previous flooding and its Flood Zone 3 classification cannot be ignored. The other issues raised by the objectors are considered to have been appraised above.

In addition, there have been 4 letters of support submitted. The reasons for support include:

- The proposal will not be detrimental to flood prevention;
- The development will be good for the village;
- One individual is looking to move to the area from Pickering and there are very few affordable houses;
- That is hypocritical oppose development on private land as other homes in the village have also been built on private land at that time;
- There are very few families in the village;
- The proposal does not affect the appearance of the village;
- The proposed dwelling has been raised so it will not flood
- The proposed dwelling is not considered to be eyesore but in-keeping;
- The proposed dwelling will be the safest house in Sinnington in terms of flood risk;
- That the house is design for life; and,
- That the benefits of the scheme outweigh the harm.

Many of the above issues which are material planning considerations have been addressed in the appraisal above. Officers have a contrary view to those supporting the application in terms of its appearance, its risk to flooding, and whether its benefits outweigh the harm arising from the proposal. The proposed dwelling cannot be regarded as an Affordable House, it is a market dwelling.

In view of the wide ranging objections to this application, Members are recommended to refuse planning permission for this proposed development.

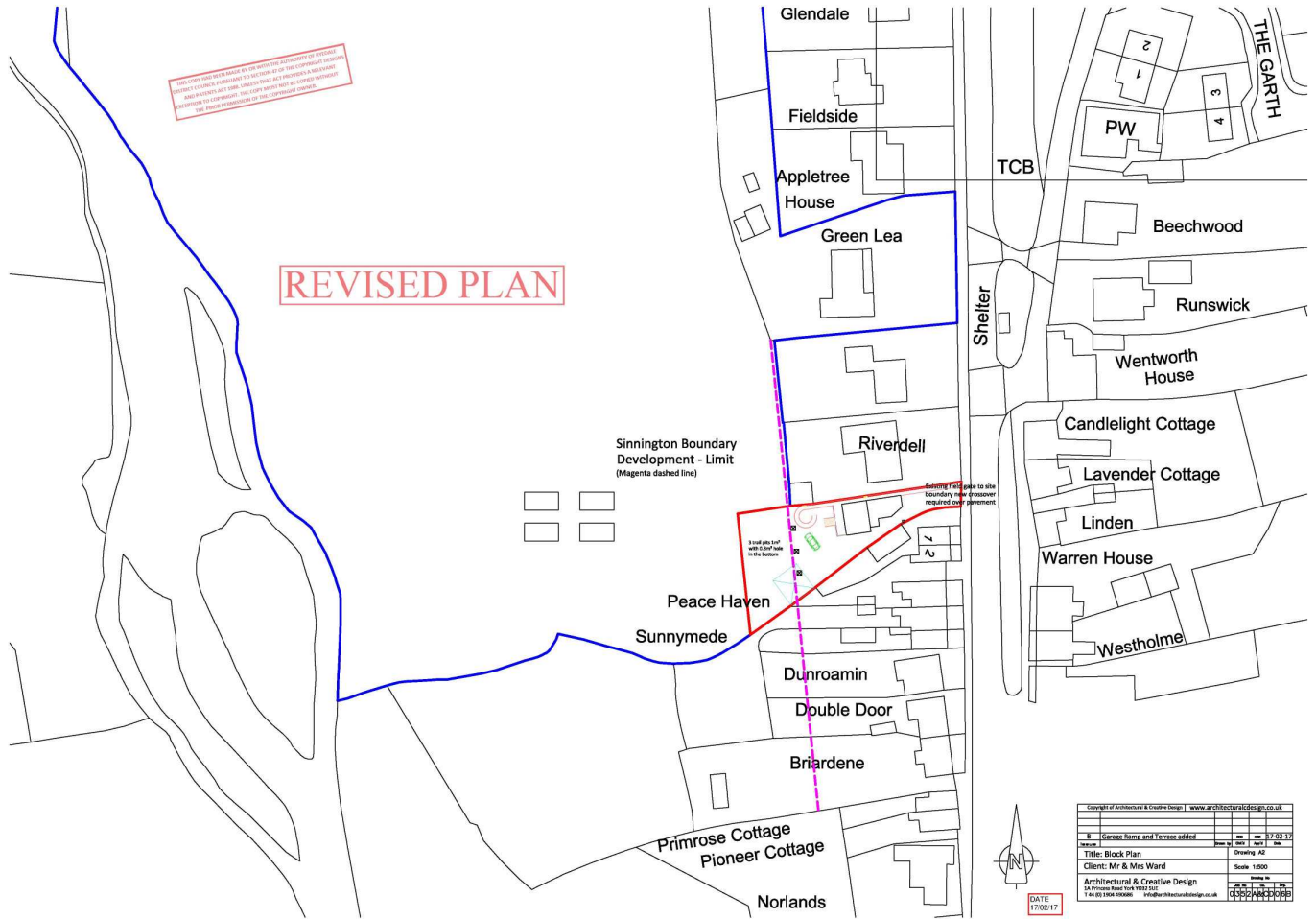
RECOMMENDATION: Refusal

- 1 The application site has flooded and is located within Flood Zone 3. There is insufficient information submitted to demonstrate that the sequential test in respect of flood risk can be passed in this case. The proposal will therefore result in an unjustified dwelling being located within Flood Zone 3. The proposal is therefore contrary to the requirements of para 101 of NPPF, the guidance within NPPG, and Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 2 In addition to Reason 01 above, the application site is considered to be unsuitable for a residential dwelling given its location within Flood Zone 3 and the clear risk of flooding to the proposed property and other properties in the locality. There is also considered to be an unacceptable risk of the displacement of flood waters to other properties in the locality thereby exacerbating existing flood risk issues. The proposed development is therefore considered to be contrary to the requirements of NPPF, NPPG and Policy SP17 of the Ryedale Plan - Local Plan Strategy.
- 3 The Flood Risk Assessment by Alan Wood & Partners dated September 2016 does not comply with the requirements of the Planning Practice Guidance that accompanies the National Planning Policy Framework. As a result, the proposal does not form a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 4 The site is located within a non-service village. In accordance with Policy SP2 of the Ryedale Plan - Local Plan Strategy only limited infill development within a continually built-up frontage is permitted. The application site is located partly behind an existing property (Meadowcroft) and does not form a continually built up frontage. Furthermore there is strong character of linear and street frontage development in Sinnington, to which the siting of this proposed dwelling would not respect. The proposed development is therefore considered to be contrary to the requirements of Policy SP2 of the Ryedale Plan - Local Plan Strategy.
- 5 Policy SP2 of the Ryedale Plan - Local Plan Strategy only permits new dwellings in locations such as Sinnington, that are 'others villages' where there is an identified need for such accommodation. The Local Planning Authority requires justification of the need for this dwelling and why the existing housing stock cannot accommodate this need in accordance with the requirements of Policy SP21 of the Local Plan Strategy. In the absence of justification, the proposal is therefore contrary to the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.
- 6 The proposed dwelling by virtue of its siting, scale, bulk and height is considered to have an overbearing and oppressive impact upon the adjoining properties and unacceptably reduce the level of sun lighting, day lighting, and privacy to the adjoining properties. In addition the proposed raised pedestrian access and terrace is considered to give rise to an unacceptable level of potential overlooking to the adjoining properties. The proposed development is therefore considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 7 The proposed development by virtue of its siting, scale, design, materials, together with the detail of design and the raised pedestrian access and undercroft is not considered to be locally distinctive or to respect the character and appearance of the locality. The proposed development is therefore considered to be contrary to the requirements of NPPF and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 8 The benefits of the application are not considered to outweigh the harm the proposal has upon the character and appearance of the Sinnington Conservation Area by virtue of its siting, scale, design and materials. The proposal is therefore considered to be contrary to the requirements of NPPF and Policy SP12 of the Ryedale Plan - Local Plan Strategy and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

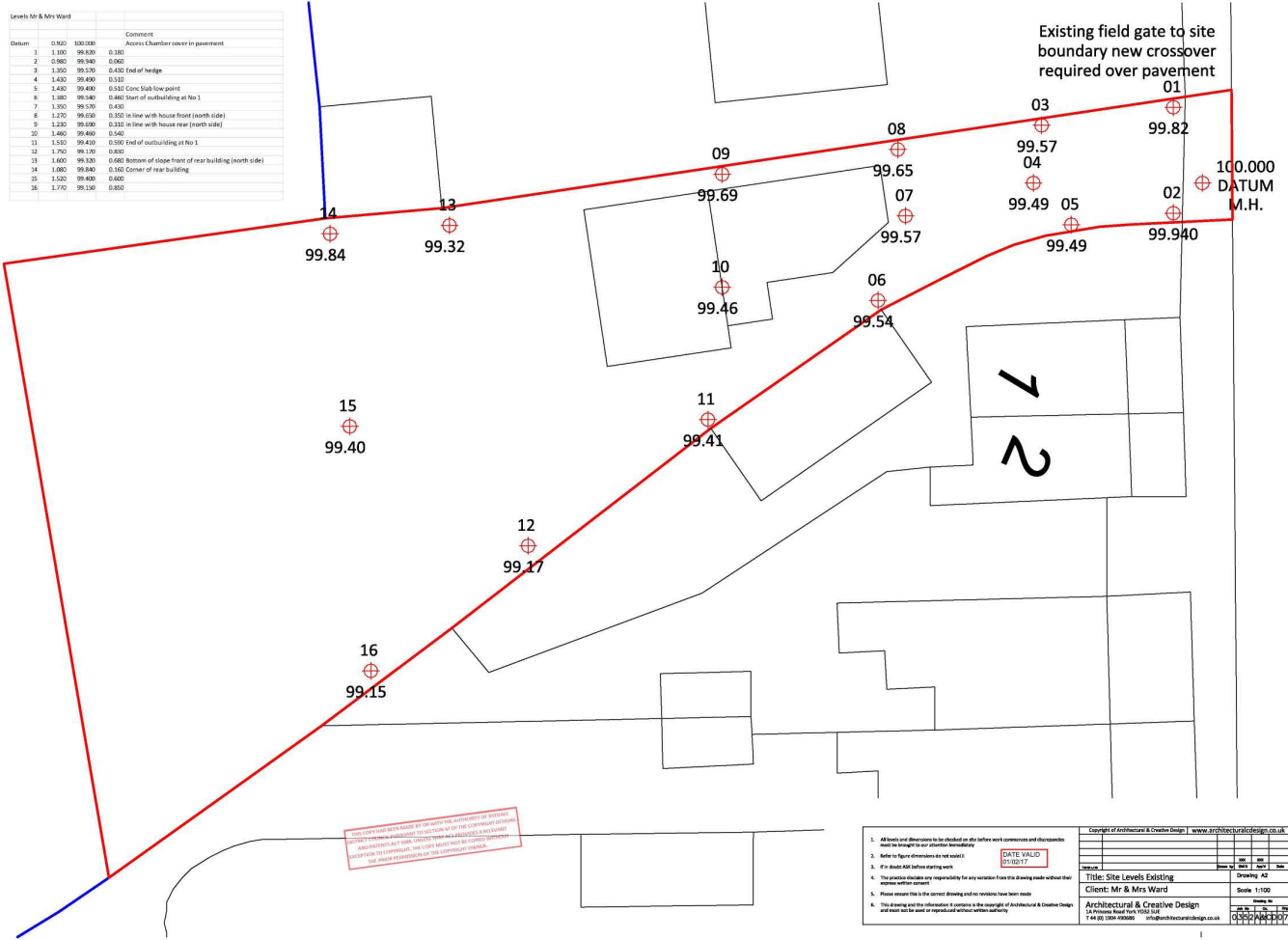
Background Papers:

Adopted Ryedale Local Plan 2002
 Local Plan Strategy 2013
 National Planning Policy Framework
 Responses from consultees and interested parties



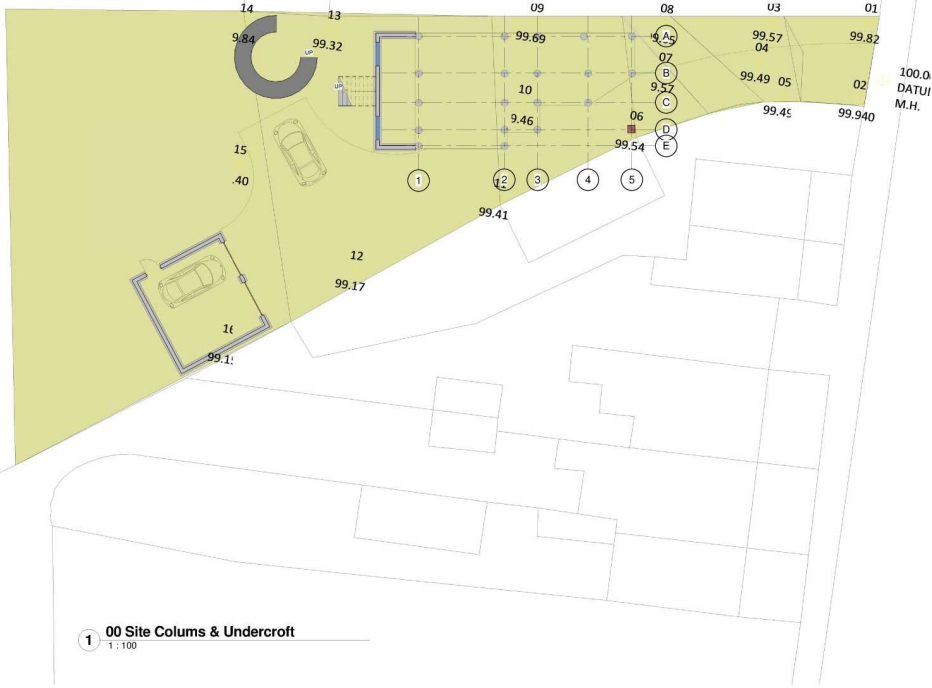
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Rev. 01	Glennan, Skimp and Terrace added
Rev. 02	Final
Rev. 03	Final
Rev. 04	Final
Rev. 05	Final
Rev. 06	Final
Rev. 07	Final
Rev. 08	Final
Rev. 09	Final
Rev. 10	Final
Rev. 11	Final
Rev. 12	Final
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Rev. 94	Final
Rev. 95	Final
Rev. 96	Final
Rev. 97	Final
Rev. 98	Final
Rev. 99	Final
Rev. 100	Final

Levels Mr & Mrs Ward			Comment
Datum	0.800	99.800	Access Chamber cover in pavement
1	1.000	99.800	0.200
2	0.980	99.840	0.040
3	1.350	99.530	0.430 End of hedge
4	1.430	99.490	0.510
5	1.440	99.480	0.520 Conc Slab low point
6	1.380	99.540	0.460 Span of outbuilding at No 1
7	1.350	99.530	0.430
8	1.370	99.550	0.550 in line with house front (north side)
9	1.230	99.690	0.330 in line with house rear (north side)
10	1.460	99.660	0.560
11	1.530	99.410	0.530 End of outbuilding at No 1
12	1.750	99.130	0.850
13	1.600	99.530	0.680 Bottom of slope front of rear building (north side)
14	1.080	99.840	0.180 Corner of rear building
15	1.530	99.400	0.630
16	1.710	99.130	0.850



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The undercroft is to be kept clear of any obstructions and is NOT a storage area.
After a flooding incident the undercroft is to be cleared of any debris or silt to maintain the agreed levels in the Environment Agencies report and recommendations



1 00 Site Columns & Undercroft
1 : 100

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Rev	Description	Date

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

DATE VALID
01/02/17

PROJECT
New Dwelling

TITLE
Planning Drawing Site Columns and Undercroft

CLIENT
Mr & Mrs Ward

DESIGNER	CHECKED BY	DATE
Author	Checker	01/02/17

SCALE (if A1)	PROJECT NUMBER
1 : 100	327

DRAWING NUMBER	REV
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Room Schedule			
Number	Name	Area	Level
1	Lounge	16 m ²	00 Ground Floor
2	Hall	8 m ²	00 Ground Floor
3	WC	2 m ²	00 Ground Floor
4	Dining Kitchen	22 m ²	00 Ground Floor
5	Lobby	2 m ²	00 Ground Floor
6	Utility	4 m ²	00 Ground Floor
7	Bedroom	17 m ²	01 First Floor
8	Bedroom	7 m ²	01 First Floor
9	Cupb	1 m ²	01 First Floor
11	Landing	9 m ²	01 First Floor
12	Bedroom	110 m ²	02 Second Floor
13	Bathroom	4 m ²	02 Second Floor
15	Study Area	9 m ²	02 Second Floor
18	Plant	2 m ²	02 Second Floor
20	Bedroom	10 m ²	02 Second Floor
21	Shower	3 m ²	01 First Floor
22	Garage	35 m ²	00 Ground Floor
23	Store	3 m ²	02 Second Floor

03 Roof Plan
1:100

REVISED PLAN

04 Garage
1:100

00 Ground Floor 2.2m cut plane
1:100

Ramp for disabled access and to assist the village in times of flood by creating a safe refuge in the village centre

00 Ground Floor
1:100

01 First Floor
1:100

02 Second Floor 0.4m Cut Plane
1:100

02 Second Floor
1:100

Rev	Description	Date
A	Building raised	June 16
B	Ground Floor Raised to EA suggested AOD 39M	Dec 16
C	Garage Doors shown	Feb 17

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

PROJECT
New Dwelling

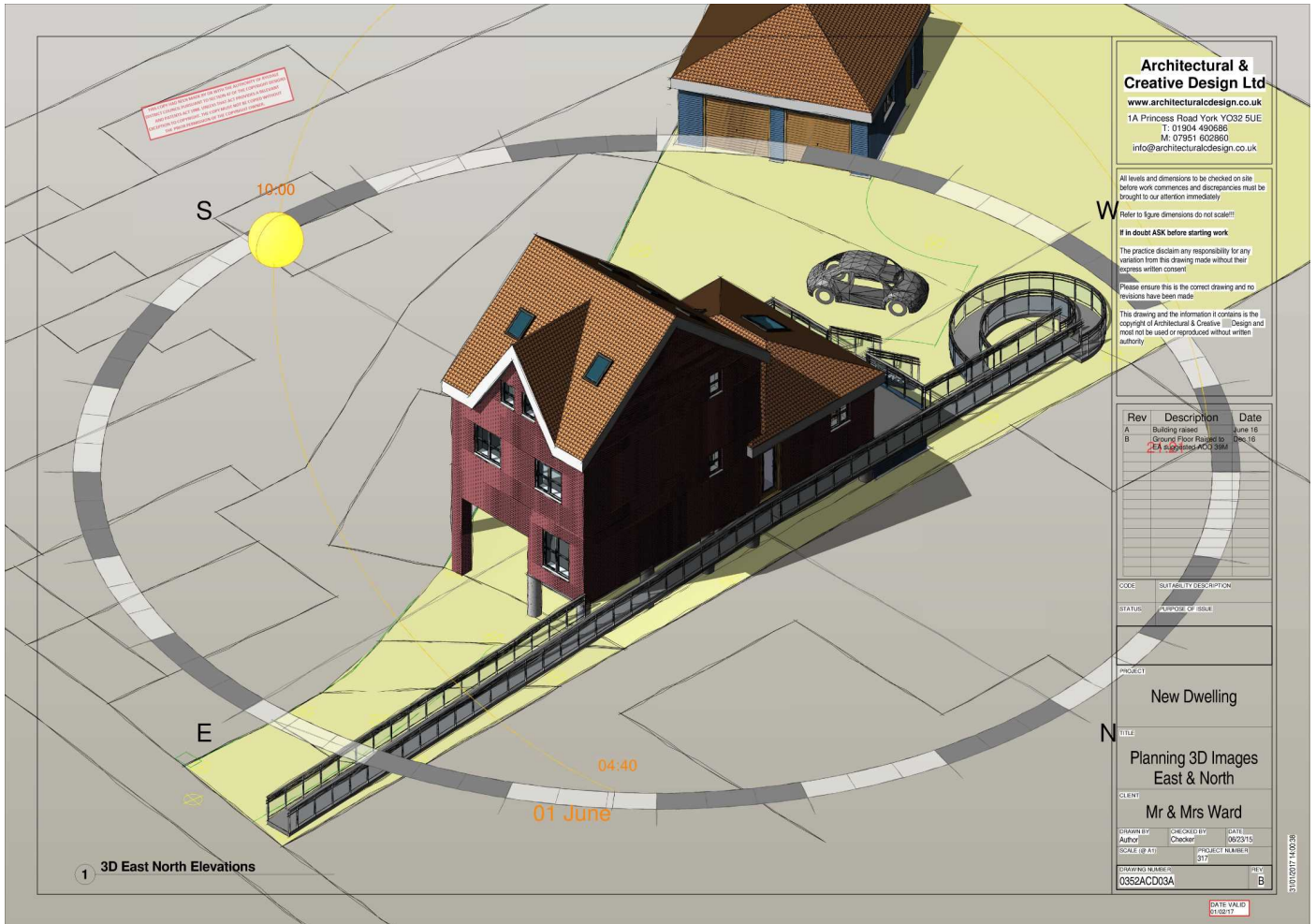
TITLE
Planning Drawing Floor Roof Plans

CLIENT
Mr & Mrs Ward

DESIGNED BY	CHECKED BY	DATE
IR	Checked	06/23/15
SCALE (B/A1)	PROJECT NUMBER	
1:100	317	
DRAWING NUMBER	REV	
0352ACD01A	C	

DATE 03/06/17

17/03/2017 14:54:37



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Rev	Description	Date
A	Building raised	June 16
B	Ground Floor Raised to EA suppling MCO 35M	Dec 16

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

PROJECT: **New Dwelling**

TITLE: **Planning 3D Images East & North**

CLIENT: **Mr & Mrs Ward**

DRAWN BY	CHECKED BY	DATE
Author	Checker	06/23/15

DRAWING NUMBER: **0352ACD03A** REV: **B**

DATE VALID: 01-02-17

1 3D East North Elevations

21/04/2017 14:02:38



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Rev	Description	Date
A	Building raised	June 18
B	Ground Floor Plans to Dec 18 EA suggested MOJ 35M	

CODE: SUITABILITY DESCRIPTION
 STATUS: PURPOSE OF ISSUE

PROJECT: New Dwelling

TITLE: Planning 3D Images West & South

CLIENT: Mr & Mrs Ward

DRAWN BY: Author
 CHECKED BY: Checker
 SCALE (P.A.): 1:100
 PROJECT NUMBER: 0352ACD04A
 DATE: 06/23/15

DRAWING NUMBER: 0352ACD04A
 DATE VALID: 01/02/17

Design & Access Statement and Sustainability Statement

Detached dwelling on Land Adjacent to Riverdell Main Street Sinnington Pickering YO62 6SH

Planning History of the Site –

A Pre-Application submission was made reference 15/00258/PREAPP

A planning application 15/00793/FUL was submitted this was withdrawn

An application 16/01086/FUL was submitted and subsequently withdrawn

The site lies to the western side of the Main Street and inside the conservation area. The site area is approximately 0.074 hectares and sits within the village development limits. The application site forms part of a larger holding owned by the applicant and outlined in blue on the Location Plan

Site Description -

The site is grassland and forms part of a larger holding by the applicant as defined on the location plan.

The site has housing development on three sides this being 3 storey residential houses to the south and a dormer bungalow to the north with 2 storey houses on the opposite side of Main Street. On either side of the application site both properties have brick built outbuildings/structures in the rear gardens under tiled roofs.

The only open side is the western boundary overlooking fields, which is in the applicant's ownership. There are no trees on the application site.

The northern and southern boundaries consist of conifer hedges, post and rail fences, rendered walls and the walls of buildings. See accompanying photographs.

The site is located off the main street with a gated frontage of some 5.5m. The site widens out to 27.4m on the western boundary and is some 52.6m deep

The site slopes from the eastern boundary towards the west with an estimated fall of 0.5m in the first 7m; it is then relatively level both east to west and north to south.



Specialists in Energy Consultancy and
Timber Building Design for Sustainable Buildings



Proposal –

The proposal is to erect a single dwelling of some 60.33m² (GIA) ground floor, a first floor of 38.56m² (GIA) and a possible second floor (attic) of some 38.56m² (GIA) under pitched roofs.

The main fabric of the building (the walls) will be constructed in brick, and a block inner skin complying with the new Part L 2013 requirements for thermal and fabric efficiency, this requires a U Value of 0.18 or less.

The roof will have a U value of 0.1 along with the floor structure

The intention is to build a very sustainable and energy efficient house that will create a healthy environment in which to live.

Having taken and discussed the proposals with the Environment Agency and received their agreement to the proposal, this design allows for the creation of a safe refuge in case of serious flooding in the village centre in the form of the rear terrace. It is also designed to facilitate disabled access

Planning Policy

Paragraph 187 of the National Planning Policy Framework states that the local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Sustainable Development PPS1 –

What is sustainable development - development which meets the needs of the present without compromising the ability of future generations to meet their own needs". These proposals meet this definition.

1.13 Sustainable development is about ensuring a better quality of life for everyone, now and for generations to come. It recognises that our economy, environment and social well-being are interdependent. It means protecting and enhancing the environment whilst meeting people's basic need in areas such as housing and employment. It also requires a strong economy that will create the prosperity to allow residents' needs to be satisfied.

... At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

14

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*

- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

15

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Local Plan

SP1 SP2 and SP21 – these policies were identified in the pre-application response and the application is made with the understanding and requirements of these policies in particular SP21.

SP2 - The site is within development limits and is small scale infill therefore complies with policy

Additional policy's were identified when the last application was made, these being SP12 SP16 and SP20

SP12 - This would appear to relate to the access for disabled surely it's discriminatory to preclude access for the disabled? This design facilitates temporary safe refuge for residents of the village following discussion with the Environment Agency and their concerns over flooding which are addressed. This dwelling would be the safest dwelling in the village and unlikely to suffer from flooding. (see Alan Woods Report - FRA)

The heritage of Sinnington isn't damaged by the proposals. The design reflects the surrounding properties it introduces diversity and creates interest. Bland repetitive buildings do not instil or create interest

SP16 - The proposals accord with SP16 following street patterns, density and replicates the enormous diversity along the Main Street of Sinnington and is not out of keeping or character.

The proposal utilises the site to its best advantage and as the land falls away from the Main Street the dwelling sits well in its plot and space

SP20 - The proposal will create the most energy efficient dwelling in Sinnington it will be the safest dwelling to live in its designed as a lifetime home it will have the best disabled access, It will provide the opportunity for working from home, so therefore must accord with the principals of SP20.

Ryedale Plan - Local plan strategy with main modifications and additional modifications
5 September 2013 the application accords with this document as detailed above

The proposals accord with the saved policies of the Ryedale Local Plan adopted on the 22 March 2002 in relation to Housing and the Historic Environment.

Consideration has been given to The Ryedale Rural Design Guide of 1995 in formulating the design.

The Proposal

Design – The design has focused on replicating the 3 storey dwellings to the south of the site, the upper floor being rooms in the roof. This reduces the footprint of the dwelling and utilises the internal volume space more fully. It therefore allows the proposal to relate to the properties on both sides of the development.

The dwelling to the north of the application site also has rooms in the roof.

The properties to the south of the application site are street fronting and to the north of the application site the properties are more individual and sit further back in their respective sites.

The structure will sit on concrete circular columns/piers to raise the floor above the recorded flooding levels. A ramped access will be provided to the access door on the north side.

In the previous application concern was expressed by local residents that building in this area will dam the village this is an inaccurate statement, the previous application would not have done this, and this application will certainly not do this.

We submitted and received approval to a dwelling in the flood plain adjacent to the River Trent in Nottingham where the recorded height of the river was 2m above the surrounding ground/flood plain; this proposal was built in stilts the same as this proposal.

Layout – The dwelling is broadly located in alignment with Riverdell with the front portion of the proposed dwelling being two storeys with rooms in the roof providing the second floor. At the rear is a single storey extension which forms the main living area of kitchen dining area utility and plant room under a hipped roof.

The main house roof pitch is 40^o replicating the adjoining properties and following guidance in The Ryedale Rural Design Guide of 1995.

The Rural Design guide suggested that repetition of design is not necessarily a good model to follow and there needs to be different designs to create interest and add to the character and interest in the street scene.

Windows in the north and south elevations will have obscure glass apart from the ground floor window to the Lounge which is screened/sheltered by an overhang this being the first floor.

The application drawings include shadowing and sun paths to show the limited impact the dwelling will have on the amenity of Riverdell.

Scale – The footprint is approximately 60.33m² and the design is in keeping with the surrounding properties

Landscaping –there are no trees on site and a variety of boundary treatments to the south and north. The proposal would be to erect post and rail fences to the northern and western boundaries and plant native hedgerows to encourage biodiversity of wild live and afford protection to the exposed sides of the dwelling.

Appearance – The external appearance will be of brick to reflect the surrounding properties under a tiled roof. In Sinnington there are a variety of roof lines gable ends parallel to the street frontage and at 90° to the street frontage coupled with hipped roofs

Sustainability and Related Energy – The proposal would be construct an energy efficient dwelling

Access – The site already has vehicular access on to the main street which is within the 30mmph zone.

Turning of vehicles will be provided within the site.

The dwelling will comply with Part M of the building regulations.

Disabled Access -

Having taken and discussed the proposals with the Environment Agency and received their agreement to the proposal, this design allows for the creation of a safe refuge in case of serious flooding in the village centre in the form of the rear terrace. It is also designed to facilitate disabled access.

Summary – The proposals will have little impact on the surrounding properties with very little overlooking or loss of privacy to surrounding properties.

The proposals accord with Ryedale District Councils Local Plans and National Policies.

Iain Robinson
Architectural & Creative Design Ltd
31 January 2017

Sinnington Parish Council

Clerk to the Council: Faye Snowden
15, Paddock Close
Pickering
North Yorkshire
YO18 8BH

Dear Ms Hood,

Planning Application No. 17/00133/FUL

Erection of a Detached four-bedroom dwelling with detached double garage and ramped personal access. Land Adj. Riverdell, Main Street, Sinnington.

The above planning application has been considered by Sinnington Parish Council.

It is noted that this is the 3rd application for this site and we refer to the contents of our previous letter of the 25th July 2016 for planning application No. 16/01086/FUL which are relevant and should again be taken into account.

This site remains classed as being in Flood Zone 3 according to the mapped data provided by the Environment Agency with more than a 1 in 100 year risk of flooding. The proposed modifications to mitigate flooding as presented in the Technical report provided by Alan Wood and Partners to change this to a 1 in 1000 year risk by essentially raising the proposed dwelling along with other design features is questionable especially for the adjacent properties and inhabitants. Previous comments on the effect of any obstacles on the land under consideration are still upheld especially on the light of evidence from recent recorded events which have been forwarded to you from various sources. Specifically, the detached garage, and ground floor rear part of the main building and the supporting pillars are identified. With regard to the architectural appearance of the building, these latest plans elevating the roof level only emphasises a disproportionate incompatibility with the existing adjacent properties and is not in keeping with the concept of 'conservation' which applies to this part of the village.

In summary, the Parish Council objects to this application on the basis that it could exacerbate flooding in the location and that the property fails to accord with the designation of a conservation area.

Yours sincerely,

Faye Snowden
Clerk to Sinnington Parish Council

Agenda Item 18

RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

PERIOD 6 FEBRUARY - 3 MARCH 2017

-
- 1.**
Application No: 16/01710/FUL **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Mr Jacob Foster
Location: Garthgate Rillington Fields Malton Road Rillington Malton North Yorkshire YO17 8EB
Proposal: Erection of detached three-bedroom dwelling with attached two-bedroom residential annexe to include internal link and detached double garage following demolition of existing three-bedroom bungalow and associated outbuildings
-
- 2.**
Application No: 16/01879/LBC **Decision: Approval**
Parish: Nawton Parish Council
Applicant: Mr S Wood
Location: Manor Farm Main Road Nawton Helmsley YO62 7RD
Proposal: External and internal alterations to include replacement of existing doors and windows, formation of 1no. additional windows to ground floor south elevation and 1no. window to ground floor north elevation
-
- 3.**
Application No: 16/01906/FUL **Decision: Approval**
Parish: Coulton Parish Council
Applicant: Mr J Goodwill
Location: Barns At Coulton Grange Coulton Lane Coulton Helmsley
Proposal: Change of use and alterations to two storey section of existing barn to form a 3no. bedroom dwelling together with formation of parking and turning areas
-
- 4.**
Application No: 16/01932/HOUSE **Decision: Approval**
Parish: Leavening Parish Council
Applicant: Mr Sean McDermott
Location: Madeira York Road Leavening Malton North Yorkshire YO17 9SN
Proposal: Erection of a single storey extension to side elevation
-
- 5.**
Application No: 16/01954/HOUSE **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mrs H Sleights
Location: Escomb The Old Quarry Hovingham Helmsley YO62 4LB
Proposal: Erection of single storey extension to side elevation, installation of 2no. flat roofed dormer windows to rear elevation and alteration to existing detached garage to form additional domestic living space
-

6.
Application No: 16/01963/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Martin O'Vastar
Location: Forestry Commission Outgang Road Pickering YO18 7EL
Proposal: Formation of an additional car park to serve Forestry Commission District Office
-
7.
Application No: 16/01978/LBC **Decision: Approval**
Parish: Leavening Parish Council
Applicant: Mr Sean McDermott
Location: Madeira York Road Leavening Malton North Yorkshire YO17 9SN
Proposal: External alterations to include erection of single storey extension to side elevation
-
8.
Application No: 16/02008/73A **Decision: Approval**
Parish: Slingsby Parish Council
Applicant: Mr Andy Hague
Location: Hutton Brothers Car Sales Railway Street Slingsby Malton YO62 4AH
Proposal: Variation of Condition 17 of approval 14/00960/FUL dated 14.06.2015 to replace drawing nos. 05 13 B Proposed Site and Setting Out Plan, 05 15 B Proposed Elevations and 05 14 B Proposed Ground and First Floor Plans with corresponding amended drawings
-
9.
Application No: 16/02009/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Paley Bros
Location: Unit 1A 8 Showfield Lane Malton North Yorkshire
Proposal: Change of use of a light industrial unit (referred to as Unit 6) from Use Class B1 to an MOT Testing Centre (Use Class B2)
-
10.
Application No: 16/02010/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Paley Bros
Location: Unit 1B 8 Showfield Lane Malton North Yorkshire
Proposal: Erection of a building forming 4no. light industrial units and 1no. office unit (Use Class B1) together with associated parking
-
11.
Application No: 16/02014/HOUSE **Decision: Approval**
Parish: Amotherby Parish Council
Applicant: Ann Hall & Paul Penty
Location: 4 Seven Wells Amotherby Malton North Yorkshire YO17 6TT
Proposal: Erection of single storey rear extension to form a bedroom and part conversion and alteration of garage to form an en-suite bathroom and store
-

- 12.**
Application No: 16/02016/HOUSE **Decision: Approval**
Parish: Newton Parish Council
Applicant: Mr And Mrs Winsor
Location: Laburnum House High Street Newton On Rawcliffe Pickering North Yorkshire YO18 8QA
Proposal: Erection of single storey extension and porch extension to front elevation
-
- 13.**
Application No: 16/02015/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Eric Parks
Location: Keld Head Keld Head Road Kirkbymoorside North Yorkshire YO62 6EN
Proposal: Erection of a single storey side extension to replace existing linked out building and greenhouse
-
- 14.**
Application No: 16/02020/LBC **Decision: Approval**
Parish: Birdsall Parish Council
Applicant: The Birdsall Estate Company Limited
Location: Birdsall House Birdsall Malton YO17 9NR
Proposal: External and internal alterations to include formation of an enlarged ground floor kitchen area by removal of a central brick internal wall, formation of 2no. internal openings to allow access to the "family snug" room, removal of some stud walling, installation of a pair of doors to replace the west elevation bay blind central window, removal of the iron bars to the windows either side of the central bay and alteration to the adjacent external steps
-
- 15.**
Application No: 16/02021/HOUSE **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Kate Dunham & Natalie Hewitt
Location: Chase Cottage Main Street Flaxton Malton YO60 7RJ
Proposal: Erection of detached building forming a double garage, store and veranda to replace existing garage
-
- 16.**
Application No: 16/02024/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr John White
Location: Lowther House Pickering North Yorkshire YO18 8JL
Proposal: Installation of an en-suite bathroom within a bedroom with soil pipe exiting adjacent to existing rear soil pipe
-
- 17.**
Application No: 16/02025/FUL **Decision: Refusal**
Parish: Malton Town Council
Applicant: Miss V Paley
Location: Land West Of Middlecave Cottage Maiden Greve Malton YO17 7BE
Proposal: Erection of a detached four-bedroom dwelling to include attached double garage and formation of vehicular access
-

18.
Application No: 16/02029/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Miss Jennifer Allanson
Location: 63 Westgate Pickering North Yorkshire YO18 8AZ
Proposal: Internal alterations to include installation of block-rendered wall and ledged-and-braced door between living room and dining area

19.
Application No: 16/02030/TELN56 **Decision: Approval**
Parish: Ampleforth Parish Council
Applicant: Cornerstone Telecommunication Infrastructure Ltd (CTIL)
Location: Land At Waste Water Treatment Works Mill Lane Ampleforth
Proposal: Erection of a 15 metre-high monopole to include 3no. antennas, 3no. RRUs and 2no. 300mm transmission dishes together with associated equipment cabinets and ancillary development within a 2m high fenced compound

20.
Application No: 16/02031/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr G & Mrs J Slack
Location: Field View West Lund Lane Kirkbymoorside YO62 6AJ
Proposal: Erection of garden room with balustraded decking area on west elevation to replace existing conservatory, erection of detached double garage and storage building to replace existing stables and storage building and regrading and extending of drive/car and caravan turning areas into part of existing paddock area changing the land use to additional domestic curtilage

21.
Application No: 16/02032/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mrs Preston
Location: Leaside Village Street Keldholme Kirkbymoorside YO62 6ND
Proposal: Installation of 2no. dormers to front elevation

22.
Application No: 16/02036/HOUSE **Decision: Approval**
Parish: Harome Parish Council
Applicant: Mr A Garside & Mrs F Lovell
Location: Shaw Moor Farm Harome Heads Road Harome Helmsley YO62 5HZ
Proposal: Alterationsto existing detached outbuilding to form additional domestic living space to include installation of replacement timber framed double glazed doors and windows to west and south elevations

23.
Application No: 16/02040/HOUSE **Decision: Approval**
Parish: Thornton-le-Dale Parish Council
Applicant: Mr & Mrs Halliday
Location: Hurrell House Hurrell Lane Thomton-Le-Dale Pickering North Yorkshire YO18 7QR
Proposal: Erection of single storey extension to side and rear elevations and detached garage following demolition of existing extension

24.
Application No: 16/02041/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr Andrew White
Location: Paddock House Langton Road Norton Malton YO17 9PX
Proposal: Erection of part two storey/part first floor/part single storey extension to south west elevation (revised details to refusal 16/01439/HOUSE dated 07.11.2016)

25.
Application No: 16/02042/FUL **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Mr Rob Fawcett
Location: Fairfax Arms Main Street Gilling East Helmsley YO62 4JH
Proposal: Erection of orangery extension to south elevation to form restaurant (revised details to approval 16/01223/FUL dated 31.08.2016)

26.
Application No: 17/00002/HOUSE **Decision: Approval**
Parish: Westow Parish Council
Applicant: Kathy Charteris
Location: Stonecroft Chapel Lane Westow Malton YO60 7NE
Proposal: Application of lime render to single storey rear extension

27.
Application No: 17/00003/FUL **Decision: Approval**
Parish: Lillings Ambo Parish Council
Applicant: Mr & Mrs Woodhead
Location: East Lilling Grange Farm New Road West Lilling YO60 6RW
Proposal: Erection of an attached equestrian building comprising 8no. stables, tack room, stalls and inspection and wash area

28.
Application No: 17/00016/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr & Mrs M Hall
Location: 59 Welham Road Norton Malton YO17 9DS
Proposal: Erection of a two storey extension to east elevation following demolition of existing lean to style extension and erection of replacement bay window to north elevation with roof extended to form a canopy over the entrance door

29.
Application No: 17/00029/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: R Jackson & H Mahoney
Location: 15 Chestnut Avenue Main Street Welburn Malton YO60 7EH
Proposal: Erection of two storey extension to side elevation following demolition of existing attached outbuilding

30.
Application No: 17/00015/TELN56 **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Cornerstone Telecommunications Infrastructure Ltd (CTIL)
Location: Land North Of North Garth Lane Sheriff Hutton
Proposal: Erection of a 17.6 metre-high monopole to include 3no. antennas, 3no. RRUs and 2no. 300mm transmission dishes together with associated equipment cabinets and ancillary development within a 1.1m high timber stockproof fenced compound

31.
Application No: 17/00048/HOUSE **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Mr & Mrs Smith
Location: 1 Melton Cottages Main Street Acklam Malton YO17 9RG
Proposal: Erection of two storey extension to side elevation and formation of vehicular access (revised details to approval 16/01601/HOUSE dated 12.12.2016)

32.
Application No: 17/00075/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Anna Rees
Location: Beech Grove 41 Middlecave Road Malton North Yorkshire YO17 7NE
Proposal: Crown lift to 5m and crown reduce to clear building, reducing lateral branch by 1.5m T6 of TPO 3/1985

Appeal Decision

Site visit made on 24 January 2017

by **Philip Lewis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2017

Appeal Ref: APP/Y2736/W/16/3162909

Land East of Main Street, Sinnington, Pickering North Yorkshire, Easting 474690 Northing 485661

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Elizabeth Newbronner against the decision of Ryedale District Council.
 - The application Ref 16/01030/FUL, dated 10 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is described as construction of a 20m by 30m all weather area for horse turn out and riding for private use only.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of a 20m x 30 m all weather area for horse turn out and riding, private use only at Land East of Main Street, Sinnington, Pickering North Yorkshire, Easting 474690 Northing 485661 in accordance with the terms of the application, Ref 16/01030/FUL, dated 10 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:2500; plan at Scale 1:1500 and Plan at Scale 1;500.
 - 3) No development shall commence until samples of the materials to be used to surface the turnout area hereby permitted to include the colour of the materials, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Procedural matter

2. I have taken the site address from the appeal form as it is more accurate than that set out on the application form.

Main Issue

3. The main issue for the appeal is the effect of the proposal on the character and appearance of the surrounding countryside with particular regard to the Fringe of the Moors Area of High Landscape Value.

Reasons

4. The appeal site is situated to the east of Sinnington within the countryside and consists of part of a larger field which has been sub-divided into several paddocks. The field has mature trees and vegetation to its northern boundary, with hedges on its eastern and southern boundaries. The appeal site which has a permitted equestrian use, contains several modest equestrian buildings and a hardstanding and is partially fenced with post and rail fencing from the other paddocks. The appeal scheme consists of a surfaced turnout area of about 20 metres by 30 metres, which would be enclosed by a post and rail fence.
5. The appeal site falls within the Fringe of the Moors Area of High Landscape Value (AHLV). I observed during my site visit, that the landscape generally rises up to the east and north from Sinnington and consists of irregularly shaped fields with linear boundaries, typically marked by hedges with some mature trees. Policy SP13 of the Ryedale Local Plan – Local Plan Strategy September 2013 (Local Plan) is concerned with landscapes. Policy SP13 includes that The Fringe of the Moors AHLV is valued locally for its natural beauty and scenic qualities and that there are particular visual sensitivities given topography and long distance skyline views.
6. Whilst the appeal site is situated away from the developed area of Sinnington, and does not relate to an area with significant buildings, the proposed development would take place within the context of land which has a clear appearance of equestrian use and in that respect would not appear as incongruous. During my site visit, I observed the appeal site from the footpath which runs near to the appeal site and noted that the proposed development would be visible, viewed over the adjacent paddock. However, views from further along the path over the adjacent field to the north would be filtered by the vegetation on the site boundary. Additionally, due to the existing trees and hedges, where topography allows longer distance views of the appeal scheme such as from the A170 road, these would also be filtered. Furthermore, the use of an appropriate colour for the surface materials for the turn out area would assist in minimising its visibility and were I to be minded to allow the appeal, this could be the subject of a planning condition.
7. I have taken into account the visual sensitivities of the AHLV. However, I consider that in this case, the development of the turnout area within an established equestrian site and which has significant screening from existing hedges and trees, although visible from the some public viewpoints, would not appear intrusive or out of context, given the use of the land. The scheme would also not interfere with any long distance skyline views. Consequently, I do not consider that the appeal proposal would give rise to significant harm to the character and appearance of the area or the visual sensitivities of the AHLV.
8. The appeal proposal would not therefore give rise to unacceptable harm to the character and appearance of the surrounding countryside and the Fringe of the Moors Area of High Landscape Value. Consequently, the appeal proposal does not conflict with Local Plan Policy SP13 or Local Plan Policy SP1 which is concerned with the general location of development and settlement hierarchy. I also do not find that the appeal proposal conflicts with the policies relating to the natural environment as set out in the National Planning Policy Framework.

Conditions

9. I have attached conditions in regards of timescale and specifying the plans as that provides certainty. I have also attached a condition regarding the submission of details of the surface material for the turn out area in the interests of the character and appearance of the area.

Conclusion

10. For the reasons given above and having considered all matters raised, I consider that the appeal should be allowed.

Philip Lewis

INSPECTOR

Appeal Decision

Site visit made on 10 January 2017

by **David Cross BA (Hons), PGDip, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2017

Appeal Ref: APP/Y2736/W/16/3157737

Sauveterre, Low Street, Thornton Le Clay, North Yorkshire YO60 7TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs J White against the decision of Ryedale District Council.
 - The application Ref 16/00011/73A, dated 4 January 2016, was refused by notice dated 2 March 2016.
 - The application sought planning permission for the erection of 1 no. three bedroom dwelling with attached garage, amenity area and parking to include formation of vehicular access without complying with a condition attached to planning permission Ref 13/00600/FUL, dated 25 March 2014.
 - The condition in dispute is No 12 which states that: The dwelling hereby approved shall only be occupied by a person(s) who
 - Have permanently resided in the Parish, or adjoining Parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
 - Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men and women returning to the Parish after leaving military service; or
 - Are taking up full time permanent employment in an already established business which has been located within the Parish for at least the previous three years; or
 - Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.
 - The reason given for the condition is: A local needs occupancy condition is necessary to ensure that the district can meet its local housing needs in accordance with Policies SP2 and SP21 of the RPLPS.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed condition is necessary and reasonable having regard to the provisions of the development plan and the location of new housing development.

Reasons

3. The appeal site consists of an area of garden land adjacent to the existing dwelling of Sauveterre. Planning permission for a dwelling on the site was

- allowed on appeal in March 2014. The Inspector granted permission subject to a number of conditions, including the disputed condition which she stated was required so that the Council could meet its housing needs in accordance with the Policies of the Ryedale Plan – Local Plan Strategy 2013 (RPLPS).
4. The RPLPS distributes development in accordance with a settlement hierarchy identified in Policy SP1. This identifies Principal Towns, Market Towns and Service Villages as being the focuses for growth. Thornton Le Clay is not within one of these settlement types and is therefore classed as being in the 'Other Villages' category.
 5. Development of housing in Other Villages is allowed in certain circumstances as specified in Policy SP2, including infill development subject to a requirement for 'Local Needs Occupancy'. Policy SP21 specifies the requirements of the Local Needs Occupancy Condition. When the dwelling was granted planning permission on appeal, the previous Inspector placed the disputed condition on the planning permission in accordance with these policies.
 6. The RPLPS was adopted in 2013 and therefore post-dates the publication of the National Planning Policy Framework (the Framework). The settlement hierarchy complies with the core planning principles of the Framework in focussing significant development in sustainable locations.
 7. Policy SP21(g) states that the lifting of occupancy restrictions will be carefully considered on a case by case basis, including any changes in circumstances which mean that the occupancy restriction is no longer applicable. The appellants state that there has been such a change in circumstances since the adoption of the RPLPS which mean that the identified conflict should be set aside and the condition removed.
 8. Firstly, they state that since the 2010 evidence base for the examination of the RPLP, in March 2015 there was a housing supply figure of 7.31 years with contributions from development in Main and Service Villages as well as site allocations. However, to my mind, this demonstrates the effectiveness of the Council's housing policies in directing housing development towards the main settlements, and emphasises the need for the disputed condition in accordance with the policies of the RPLPS.
 9. Secondly, they state that whilst there was a previous shortfall in the five year supply of housing, the latest housing monitoring report (2014-2015) states that no local occupancy conditions have been granted, lifted or varied despite the RPLPS only being adopted in 2013. However, the absence of decisions in relation to occupancy conditions over the monitoring period does not indicate that the disputed condition is no longer necessary. In particular, no evidence has been provided to me to demonstrate that the Council has approved proposals in contravention of the occupancy restrictions of Policies SP2 and SP21.
 10. Thirdly, the Community Infrastructure Levy (CIL) Regulations already consider economic viability and only relate to developments of 6 houses or more. However, the CIL Regulations relate to developer contributions rather than conditions, and are therefore not applicable in this matter.
 11. I acknowledge that the condition is restrictive in relation to this site and does not apply to existing housing in the village. However, the condition complies

with the policies of the Council in directing new housing development to the Principal Towns, Market Towns and Service Villages except in specified circumstances. It is therefore reasonable that the condition applies to new housing development in 'Other Villages' such as Thornton le Clay so that it meets local housing needs.

12. I note that the appellants are concerned about the impact of the condition on the market value of the dwelling and the willingness of lenders prepared to provide a mortgage for potential purchasers. However, I am not persuaded that such matters are sufficient to outweigh the proposal's conflict with the policies of the RPLPS.

Other Matters

13. I note the frustrations expressed by the appellants in relation to the advice from the Council, particularly in relation to the effect on market value of the proposal. I have also had regard to the comments raised in relation to administrative errors in the handling of the previous appeal by the Planning Inspectorate. I requested copies of correspondence in relation to this from the appellants' agent, but did not receive a response. However, these are not matters for this appeal which I have determined on its planning merits.

Conclusion

14. I conclude that the condition is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It therefore meets the tests contained in paragraph 206 of the Framework.
15. For the reasons given above and taking account of all material planning considerations the appeal is dismissed.

David Cross

INSPECTOR