

**Item Number:** 7  
**Application No:** 14/01081/OUT  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Outline Application  
**Applicant:** Mr Paul Strickland  
**Proposal:** Erection of dwelling with detached garage (site area 0.1ha)  
**Location:** Land At Piercy End Kirkbymoorside

**Registration Date:** 6 October 2014      **8/13 Week Expiry Date:** 1 December 2014  
**Case Officer:** Rachel Smith      **Ext:** 323

#### CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Parish Council</b>	No objections or comments made
<b>Highways North Yorkshire</b>	No objections - recommend conditions
<b>Building Conservation Officer</b>	Object
<b>Environmental Health Officer</b>	Recommend condition

**Neighbour responses:** J Cossins, Mr David Brewster, John Freeman, Leslie Clarke, Mr Kentigern Hagan,

**Overall Expiry Date:** 16 December 2014

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#### INTRODUCTION:

This application was considered at the November Planning Committee where it was deferred pending a site visit. A Committee Site Inspection was undertaken on 2 December 2014.

#### UPDATE INFORMATION:

Since the November Committee the formal comments of Kirkbymoorside Town Council have been received. They have expressed their support for the development on the condition that the emergency services are consulted to determine that access is guaranteed at all times. They are of the opinion that the development will not affect the setting of the listed building, and will have no visual impact. They conclude that the mitigating circumstances of the application warrant further consideration.

A letter of support has also been received from the Parish Priest, who further advises that there will be no impact on their property. (This property lies to the immediate south of the application site).

Two letters expressing concern have also been received since the November Committee. The full responses are available to view on the Council website. However their main comments are that they are in agreement with Policy SP2 of the Ryedale Plan-Local Plan Strategy with regard to protecting and preserving open back land spaces within the Conservation Area. Furthermore they are concerned that due to parking problems on Piercy End they do not want their ability to park in front of their garage to be adversely affected by the development.

In relation to the Town Council comments, the road frontage clearly states 'keep clear', and the access itself has 'no parking' written across the width of the access. Keeping the direct access to the site is a civil issue which will be controlled by the applicant and the owners of the adjacent garages.

In relation to the comments raised in the neighbour letter, the protection of the open land within the Conservation Area is addressed in the earlier committee report on the November agenda. Comments relating to the ability to park in front of their garage are a civil issue. Nevertheless the applicant has confirmed that he has a right of access to the site at all times.

In relation to other issues, Members are aware that the application is in outline only, with all matters reserved. The application was however accompanied by a plan for illustrative purposes to demonstrate how the site could be developed. Officers expressed concern in the original report that, notwithstanding the objections to the principle of the development in relation to the Conservation Area, the illustrative design was out of keeping with the character of the area, and would erode the character of the burgage plots. Since the November meeting, the agent has submitted a revised plan which illustrates a dwelling incorporating a narrower, more traditional span, together with a predominantly linear footprint. The revised plan is attached for Members attention.

Officers are of the opinion that the revised design approach has illustrated a structure which is perhaps more in keeping with the appearance of linear, subordinate outbuildings, sometimes found in burgage plot locations. However, overriding officer objections relating to any development in this open and relatively undeveloped part of the Conservation Areas remains. The recommendation, therefore, is one of refusal for the reasons previously stated.

If Members are, nevertheless, minded to approve this outline application, it is recommended that a condition be imposed that requires the detailed plans to respect the single-storey linear form of development illustrated on the revised plan.

**RECOMMENDATION:                      Refusal**

- 1            The proposed dwelling is in a backland location which does not constitute infill development. As such, the development is contrary to the principles of Policy SP2 of the Ryedale Plan – Local Plan Strategy.
  
- 2            The proposed development fails to preserve or enhance the character of the Conservation Area, by virtue of the harm to the burgage plot arrangement that consists of undeveloped land behind frontage buildings. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.
  
- 3            The development would harm the setting of the neighbouring Grade II listed building which shares a boundary with the application site. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.

**Background Papers:**

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