

**Item Number:** 13  
**Application No:** 15/00859/FUL  
**Parish:** Thornton-le-Clay Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr H Mook  
**Proposal:** Erection of a four bedroom detached dwelling and associated detached garage following demolition of existing agricultural buildings.  
**Location:** Building At Low Street Thornton Le Clay

**Registration Date:**  
**8/13 Wk Expiry Date:** 21 September 2015  
**Overall Expiry Date:** 27 August 2015  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	Conditions recommended
<b>Land Use Planning</b>	No views received to date

**Neighbour responses:** Mr Richard Harrison, Ms Jackie Farnell, Mrs Susan Jones, Mrs P J Diggle, Mrs Kirsten Young,

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#### SITE:

The application site is situated on the southern side of Low Street, and outside the defined developments for Thornton le Clay, which abut its northern and western boundaries. Whilst this part of the village is predominantly residential, the village hall is situated to the immediate north of the site, with the White Swan public House to the west. The predominant character of development in the village is traditional dwellings fronting the road. There is very little development in depth.

#### PROPOSAL

Permission is sought for the erection of a detached four bedroom dwelling with a double garage. The house will have a footprint of 10m by 11.5m together with a two storey front extension which has a footprint of 5m by 2m. The ridge height of the main dwelling is 8.7m. It will be constructed from 'rustic' bricks, under a clay pantiled roof with UPVc windows. The dwelling will utilise an existing access from Low Street which currently serves the fields and derelict timber out buildings. The dwelling does not have a street frontage, and will be positioned 22m to the south of the village hall.

#### HISTORY

11/01309/AGNOT: Notification submitted. Determined that planning permission required.

#### POLICY

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of new housing

Policy SP11 - Community Facilities and Services

Policy SP16 - Design

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.

### Letters of support

In addition five letters of support for the application have been received. The letters are available to view in full on the Council's Public Access website. They include the following points:

- the site is just outside the local plan boundary
- proposal is well thought out
- local precedent set that if the proposal is for a primary relative working for the family business, properties of this type should be allowed.
- average price of a property in this village is significantly above that for North Yorkshire
- the dwelling will be discrete in its location and enable a young man to continue working the local land owned by his family for many years
- the building is not extravagant and will be in keeping with the local area and other new builds in very close proximity
- welcome new people into the village and good for local businesses.

### **APPRAISAL**

The main issues in the consideration of the application are:

- Principle of development
- Design
- Neighbour impact
- Access considerations
- Land contamination

### Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) states:

*'12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up- to- date Local Plan should be approved, and proposed development that conflicts would be refused unless other material considerations indicate otherwise.'*

The Council has a five year housing land supply, and therefore policies for the supply of housing are up to date.

Policy SP1 of the RLP provides the development Strategy for the district. Most development will be located in the more sustainable parts of the district. This is the market towns, and a limited number of larger villages which are identified as service villages. Development in other villages is limited to Local Needs Occupancy, and would be subject to contributions in respect of public open space. Development limits for settlements define the boundary within which development in principle will be generally acceptable. These were originally defined in the Ryedale Plan (2002) and are carried forward into the Ryedale Plan - Local Plan Strategy (RLP).

Policy SP2 requires that sites for development are located within the development limits, and are limited to infill development ( small open sites in an otherwise continually built up frontage). The policy requires that any such development would be subject to a local needs occupancy condition.

The site is situated to the south of the village hall, and east of the White Swan Public House, as such it lies outside the development limits for Thornton-Le-Clay, which are tightly drawn. Furthermore, the site does not front Low Street and does not constitute infill development. Accordingly the principle of a dwelling in this location is contrary to the principles of policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.

The applicant has provided a supporting statement, which states that the dwelling will be occupied by a member of a local farming family, who currently lives and works with his parents on the family farm to the north of Flaxton. There is further information in relation to the extensive family that the applicant has in and around the Thornton le Clay/Flaxton area. The applicant works as a stockman on the farm, and has been instrumental in extending the livestock on it. The supporting information states that the applicant now wishes to have his own home, and continue to work and develop the family business. It states:

*"The cost of adequate existing local housing is beyond his means and the land and buildings farmed are in the most part rented and would not provide a freehold site. The proposed site in Thornton Le Clay is family owned and close to Henry's grandmother who lives at The Paddock and also to the land farmed by the partnership. Henry, without land costs, will be able to afford to build his own home albeit it may need to be phased over 2 or 3 years to completion."*

Whilst Officers sympathise with the applicants desire for a dwelling close to family and work place, and note the support for the applicant from members of the public, this is not a material planning consideration. The applicants have not provided any information to demonstrate that there is an essential need for an agricultural workers dwelling. It is also noted that Foston and Thornton le Clay Parish Council has objected to the development because of the location of the site outside the development limits. In view of this, it is considered that there are no material considerations that would warrant approving a dwelling in this location contrary to policy. It is considered that there are opportunities in other villages and towns for the applicant to live whilst continuing to work in the family business. Sheriff Hutton and Strensall are approximately 7 minutes driving distance from Flaxton where the family farm is located, indeed Malton is only approximately 15 minutes driving distance.

The comments made regarding the site being just outside the development limits have been addressed above. It is not considered that there are any special circumstances that would warrant approving an application outside the developments limits, and indeed, approval would set an undesirable precedent for other such development outside the limits of this and other villages in Ryedale. This can ultimately undermine the strategy of the Local Plan, and erode the character of the village. The development limits were tightly drawn to reflect the character of the village which is predominantly frontage in character. Any dwellings to the rear, such as Dove Tail, are the exception to this. This dwelling was approved in 1990. Two dwellings have recently been constructed in the village, however these dwellings front Low Street, to the west of the White Swan.

The applicant has responded to comments made by officers in relation to the location of the site outside the development limits. He has referred to:

- the rhythm of village frontage appearance being disrupted by the road pattern
- broken frontage opposite the site with recessed infill development of Wood Cottage
- backland development of Rosary Cottage.

It is accepted that there are occasional dwellings in backland locations such as Rosary Cottage, and Dovetail. However as stated earlier, these are anomalies, and not the predominant character of the village. Furthermore the information detailed above does not resolve the policy objection to the siting of the proposed dwelling outside the development limits for the village.

## Design

The proposed dwelling is a relatively large four bedroom dwelling with a deep span, which is a result of the internal layout. The double garage is located to the south of the existing access track. It is considered that the scale of the dwelling in this backland location is inappropriate, and not characteristic of the area. It will be clearly visible on the approach to the village from the Foston direction. The scale and depth of the proposed dwelling will increase its dominance from this approach, in contrast to the more 'cottage style' dwellings that are characteristic of much of the village. As such it does not reflect local distinctiveness. It is acknowledged that the dwellings recently constructed to the west of the White Swan are relatively large. Nevertheless they are located fronting Low Lane with an orientation that matches neighbouring properties. This ensures that the dwellings are not unduly prominent, and they maintain the existing pattern of development. Furthermore their ridge height is approximately 0.5m lower than the proposed dwelling, and crucially their span is significantly less. (approx 8.54m compared to 10m on the proposed dwelling).

## Neighbour impact

As described in the site description, the site is bounded by the village hall to the north, the White Swan public House to the west, and agricultural land to the south. First Floor bedroom windows on the western elevation look towards the garden of the new dwellings to the west of The White Swan, however the distance is such that it is not considered that this will give rise to an unacceptable level of residential amenity. The access to the site is existing. Accordingly it is not considered that the development will have a significant adverse impact on neighbouring amenity.

## Highway Considerations

The proposed development will utilise the existing access to the agricultural land and there are no objections from North Yorkshire Highways, subject to conditions requiring the upgrading of the access.

## Land Contamination

The application is accompanied by a Contamination screening assessment. This does not indicate any potential sources of contamination. If Members are minded to approve the application however, it is recommended that an informative be imposed reminding the developer that responsibility for potential contamination rests with them. Should any unforeseen contamination occur during development, all work should cease and the LPA be advised.

## **RECOMMENDATION: Refusal**

- 1 The proposed dwelling is located outside the Development Limits for Thornton le Clay. No exceptional circumstances have been submitted to justify the erection of this dwelling in open countryside. The proposal is therefore contrary to Policy SP1 of the adopted Ryedale Local Plan Strategy and the National Planning Policy Framework.
- 2 The proposed dwelling would be located outside the development limits for Thornton le Clay, and does not constitute infill development. As such it would be contrary to Policy SP2 of the Ryedale Plan - Local Plan Strategy.
- 3 The proposed dwelling, by virtue of its scale, and location to the rear of Low Street, would be unduly prominent, would erode the character of the area, and fails to reflect local distinctiveness. Furthermore it would set a precedent for other such development in this and other villages in Ryedale. As such it would be contrary to the principles of policies SP16 and SP 20 of the Ryedale Plan-Local Plan Strategy, and section 7 of the NPPF.

**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties