



Appeal Decision

Site visit made on 11 May 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/G2713/W/22/3290126

Holly Tree Cottage, North End, Raskelf YO61 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mark and Katie Stocks against the decision of Hambleton District Council.
 - The application Ref 20/02491/OUT, dated 26 October 2020, was refused by notice dated 4 October 2021.
 - The development proposed is the construction of two detached dwellings with garages and parking incorporating garaging and parking for Holly Tree Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two detached dwellings with garages and parking incorporating garaging and parking for Holly Tree Cottage at Holly Tree Cottage, North End, Raskelf YO61 3LF in accordance with the terms of the application, Ref 20/02491/OUT, dated 26 October 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appeal scheme seeks outline planning permission with layout, scale and access to be considered. Appearance and landscaping are reserved for future consideration.
3. The decision notice refers to the Local Development Framework Core Strategy (2007) and Development Plan Document (2008) Policies. These have been superseded by the adoption of the Hambleton Local Plan in February 2022 (LP). The appeal process has allowed the main parties to make comment on the most up to date situation with regards the development plan which I have determined the case in accordance with.

Main Issues

4. The effect of the proposed development on a) the character and appearance of the area; and b) highway safety.

Reasons

Character and Appearance

5. The appeal site is located in the extensive rear garden of Holly Tree Cottage, which is a two-storey detached dwelling. The area is characterised by semidetached and detached dwellings, facing the road. In several instances, access is taken from the road, with further residential development situated to the rear of existing dwellings. This is a regular development pattern along the

northern section of the main street and either side of the appeal site, which is surrounded by existing development on three sides.

6. The close arrangement of the two dwellings would reflect the layout of adjacent built form. The large rear gardens and driveway to the front would create a spacious feel and would not result in an overdevelopment of the site or result in a cramped appearance. I appreciate that there has been a large amount of new development within the village. However, the proposal would reflect the local pattern and be contained, without extending beyond the existing built form. In addition, the trees around the perimeter of the site would be retained, as would part of the long paddock to the rear would and thus enable the character of the wider setting of the appeal site to be maintained.
7. The appeal proposal would not therefore have a harmful effect on the character and appearance of the area. It would thus comply with Policies E1 and E7 of the LP and or the National Planning Policy Framework (the Framework) which in summary, require new development to demonstrate high quality design and reinforce local distinctiveness.

Highway Safety

8. The Council consider that the absence of a passing place on the access drive and lack of adequate turning space within the proposed site layout may result in reversing movements onto the highway. I also appreciate the concern from residents in relation to the volume of traffic on the street and the presence of parked cars, particularly following recent road traffic accidents. From my site visit and from the evidence before me I consider the proposed access and parking arrangements within the appeal site to be straightforward. There would be sufficient space to allow parking of vehicles at both properties and for additional vehicles to safely turn to enable them to leave the access road in a forward position.
9. A passing place would be unnecessary on the short straight section of driveway as vehicles would have clear visibility along the drive from either side and could simply wait for vehicles using the driveway before entering or exiting. I also note that the local highway authority have not raised any objections to the appeal scheme in regard to this main issue.
10. The proposal would not therefore harm highway safety and would therefore accord with Policies S1, IC1, IC2 and E1 of the LP and the Framework which, in summary, seek to secure safe and accessible developments.

Other Matters

11. Policy E3 requires all proposals to demonstrate a net gain for biodiversity and Policy E7 supports proposals which seek to conserve and enhance any existing tree or hedge of value. The proposal would include the retention of all Category A trees. A number of other trees are proposed to be removed. The Council has stated that through the provision of a landscaping scheme at reserved matters stage the requirements of Policy E7 can be satisfied. Similarly, whilst I appreciate at this stage there is conflict with Policy E3, there is opportunity for the landscaping scheme at reserved matters to offer enhancements and to my mind this is a proportionate response to the aims of the policy.
12. The appeal site is within Flood Zone 1 and Yorkshire Water have raised no objections to the proposal. Details of surface water drainage from the

development are subject to conditions. The plans show the appeal proposal would be clear of the required 3m easement in regard to the location of a foul sewer, however, should this not be the case, a diversion would be required in accordance with the Building Regulations. This can be adequately dealt with by separately enforceable legislation and would not, in and of itself, be a reason to withhold planning permission.

13. Whilst Raskelf has limited facilities, it remains as a secondary village in the LP and thus the principle of development within it is acceptable. In addition, any local housing targets being breached would not mean a ceiling to further development that would not give rise to harm.
14. Whilst there is a large garden/paddock to the rear, I have no evidence before me to suggest that large machinery would utilise the appeal site access to gain access to this land.

Conditions

15. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. I have imposed standard conditions relating to the submission and timing of reserved matters submissions and the commencement of development, as well as the approved plans.
16. Conditions specifying the construction of the visibility splay, access, parking and turning areas are necessary in the interests of highway safety. For the same reason and in the interests of the living conditions of neighbouring occupiers and the proper functioning of the proposed development, a Construction Method Statement, tree protection, finished floor levels and drainage should be agreed. Landscaping is a reserved matter. To ensure the risks from land contamination are minimised in the interests of the water environment I have included conditions in this regard.
17. I have also considered other conditions put forward by the Council. Bearing in mind the PPG's advice that such conditions should only be used in exceptional circumstances, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict permitted development rights.
18. As this appeal proposal includes access and layout, I consider it unnecessary to include a condition for access, parking and turning arrangement details to be required to be submitted and approved. Similarly, as scale and layout are included, I consider it unnecessary to include a condition specifying no more than 2 three-bedroom dwellings. The Council's statement makes reference to a condition relating to housing mix to satisfy the need for smaller homes, but no further evidence has been provided as to why it would be reasonable or necessary or indeed that the appeal scheme would not be approved without it.

Conclusion

19. For the reasons given, the appeal would comply with the development plan and should, consequently, be allowed.

C Megginson

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Section 1:100 (A4) Revision 1. May 2021 and Site Plan scale 1:1250 Revision 1. May 2021.
- 5) No part of the development hereby permitted shall be first occupied until the existing hedge on both sides of the access is cut back for a distance of 1 metre from the back edge of the existing public footway to provide pedestrian visibility splays. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Development shall be carried out in accordance with the approved details, maintained clear of any obstruction and retained thereafter for their intended purpose.
- 6) No part of the development hereby permitted shall be first occupied until the vehicle access, parking and turning areas have been constructed in accordance with the details first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, maintained clear of any obstruction and retained thereafter for their intended purpose.
- 7) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - ii) the parking of contractors' vehicles;
 - iii) areas for storage of plant and materials used in constructing the development clear of the highway;
 - iv) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 8) The development hereby permitted shall have separate systems of drainage for foul and surface water on and off site. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been first submitted to and approved in writing by the Local Planning

Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public surface water sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
- 9) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.
- 10) If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
- 11) Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
- 12) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- 13) No development shall take place until the protective fencing around the existing trees and hedgerows has been erected in accordance with details first submitted to and approved in writing by the Local Planning

Authority. Protective fencing shall remain in place for the duration of the construction phase.