



Appeal Decision

Site visit made on 10 October 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/G2713/W/22/3298189

Corn Cob Bungalow and Land North-West Of The Old School, Main Street, Thornton Le Moor, North Yorkshire DL7 9DW

- 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 Mr and Mrs J Pinches against the decision of Hambleton District Council.
 - The application Ref 21/01478/FUL, dated 29 May 2021, was refused by notice dated 15 November 2021.
 - The development proposed is described as construction of one new dwelling (land North-West of The Old School) and one replacement dwelling (in place of Corn Cob Bungalow) with detached garage to serve The Old School and the proposed new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of one new dwelling (Land North-West of The Old School) and one replacement dwelling (in place of Corn Cob Bungalow) with detached garage to serve The Old School and the proposed new dwelling at Corn Cob Bungalow and Land North West Of The Old School, Thornton Le Moor DL7 9DW in accordance with the terms of the application, Ref 21/01478/FUL, dated 29 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have adopted the description of development set out in the Council's decision notice and subsequently cited by the appellants in their appeal submission as I consider this to be a more accurate description of the proposal. I am satisfied that in doing so neither party is disadvantaged, and I have determined the appeal accordingly.
3. Since the Council reached its decision a new development plan known as the Hambleton Local Plan (Local Plan) was adopted on 22 February 2022. The Council has confirmed that the policies cited in the decision notice have been superseded by Policies E1 and HG5 of the new Local Plan. Consequently, I have had regard to the policies of the adopted Local Plan in my decision and the parties have been provided with an opportunity to comment on this policy change in so far as it relates to the appeal proposal.
4. In both the Officer Report and the Council Appeal Statement, no objection has been raised regarding the proposed replacement of the existing bungalow. The concerns of the Council relate to the new dwelling and detached garage in the rear garden. I find no reason to disagree with the Council's assessment and will therefore concentrate my reasoning on this aspect.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, having regard to the location of the proposed new dwelling and the detached garage.

Reasons

6. Thornton Le Moor is a relatively small village which has a built form laid out in a broadly linear fashion. The appeal site is located approximately centrally within it, on the northern side of Main Street. The site consists of a detached bungalow to the front and part of the neighbouring Old School House garden to the rear. The garden is large and at the front part of it there are a number of outbuildings. Beyond it the land is countryside in character, consisting predominantly large open fields. Access to the garden from Main Street is along a short track which runs to the side of the bungalow.
7. The proposal would consist of the bungalow being replaced with a new two storey dwelling and the construction of a new bungalow in the rear garden with a detached single storey garage. The rear garden bungalow and garage would be built predominantly over the footprint of the existing outbuildings.
8. Policy S3 of the Local Plan details that Thornton Le Moor is classed as a 'small village' under the settlement hierarchy. As the proposal is not specifically allocated it would be a 'windfall' site. Policy HG5 of the Local Plan details that windfall housing development within a village will be supported where a proposal demonstrates a number of criteria. The supporting text to Policy HG5 refers to Policy S5 in this respect, where it defines the main built form of villages.
9. The site is currently developed with outbuildings and the proposed new dwelling and detached garage would be located predominantly over these. They would therefore be located very close to the existing properties and extend a similar distance to both the existing outbuilding built form and the adjacent neighbouring properties. The appeal site has a limited relationship to the agricultural fields due to the separation provided by the large garden. As such the appeal site is part of the main village settlement and it lies within the built form of the village. Policy HG5 supports windfall housing development which is located within the built form of the village where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. No evidence that the appeal site is protected in these regards has been provided and as such the appeal site does not conflict with this policy.
10. The proposed new dwelling and garage would retain the existing linear form of the village created by the outbuildings and would be in keeping with urban and domestic aspects of the local character. Their scale, form, massing and design would be appropriate in this location. They would not be visible from the street scene and as such would have little impact upon the appearance of the village. They would not therefore result in a detrimental impact but would simply be part of the prevailing character in this part of the village.
11. In conclusion, the proposal would not harm the character and appearance of the area with the proposed new dwelling and detached garage being appropriately located in the village setting. It would not conflict with Policies

E1, S3 and HG5 of the Local Plan which, amongst other matters, aim to ensure new development has no detrimental impact on the character and appearance of villages, surrounding areas and the countryside.

Conditions

12. The Council have requested conditions to be applied, which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG). The conditions that I have imposed are broadly reflective of those suggested by the Council although I have amended some of the wording in the interests of precision and clarity.
13. For certainty, I have imposed conditions on timescale for implementation and the inclusion of the approved plans.
14. A condition is included to provide adequate safeguards for the protection of any protected species existing on the site. In order to protect the character and appearance of the area, a condition is imposed concerning the proposed external materials as shown on the relevant plan. A landscaping condition is applied for the same reason.
15. Drainage conditions are included to ensure the site is properly drained and uses sustainable drainage techniques to prevent potential impacts on flooding and overloading of the public sewer network. To ensure highway safety a condition is included to ensure adequate parking is provided and retained. I have also included a condition that requires a construction management plan to be prepared and implemented prior to any ground works or demolition to ensure the site is operated safely and with care and consideration to the living conditions of nearby occupiers.

Conclusion

16. For the reasons given above and having regard to all matters that have been raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR

Schedule of 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: Drawing No. HDC/3147/03 titled 'Proposed Site Plan', Drawing No. HDC/3147/04 titled 'Proposed Plans And Elevations (Replacement Dwelling And Garage)' and Drawing No. HDC/3147/05 titled 'Proposed Plans and Elevations - Garden Plot'.
3. No below ground works or demolition shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The Plan shall include arrangements for the following in respect of each phase of the works:

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The approved Construction Method Plan shall be adhered to throughout the construction period.

4. The development hereby permitted shall be carried out in accordance with the mitigation strategy, as described in the MAB Ecology Ecological Appraisal dated September 2020.
5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the dwellings.
6. No above ground construction work shall be undertaken until details and samples of the materials and method to be used in the construction of the external surfaces of the development have been prepared on site for inspection and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
7. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. No building hereby permitted shall be occupied until the foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
9. The development hereby permitted shall be provided with separate foul and surface water drainage systems and the surface water drainage system shall be provided with an outfall, other than to the existing local public sewerage.
10. No building hereby permitted shall be occupied until the access, parking, manoeuvring, and turning areas for all users have been constructed in accordance with the approved drawings and thereafter maintained clear of any obstruction and retained.

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