

Date of Committee: 04 May 2016

Planning Application No: 16/0017 **Date Received:** 7 January 2016

OS Grid Ref: 361687 537257 **Expiry Date:** 4 March 2016

Parish: Ousby **Ward:** Hartside

Application Type: Full

Proposal: Demolition of Shed and Erection of Single Detached Dwelling

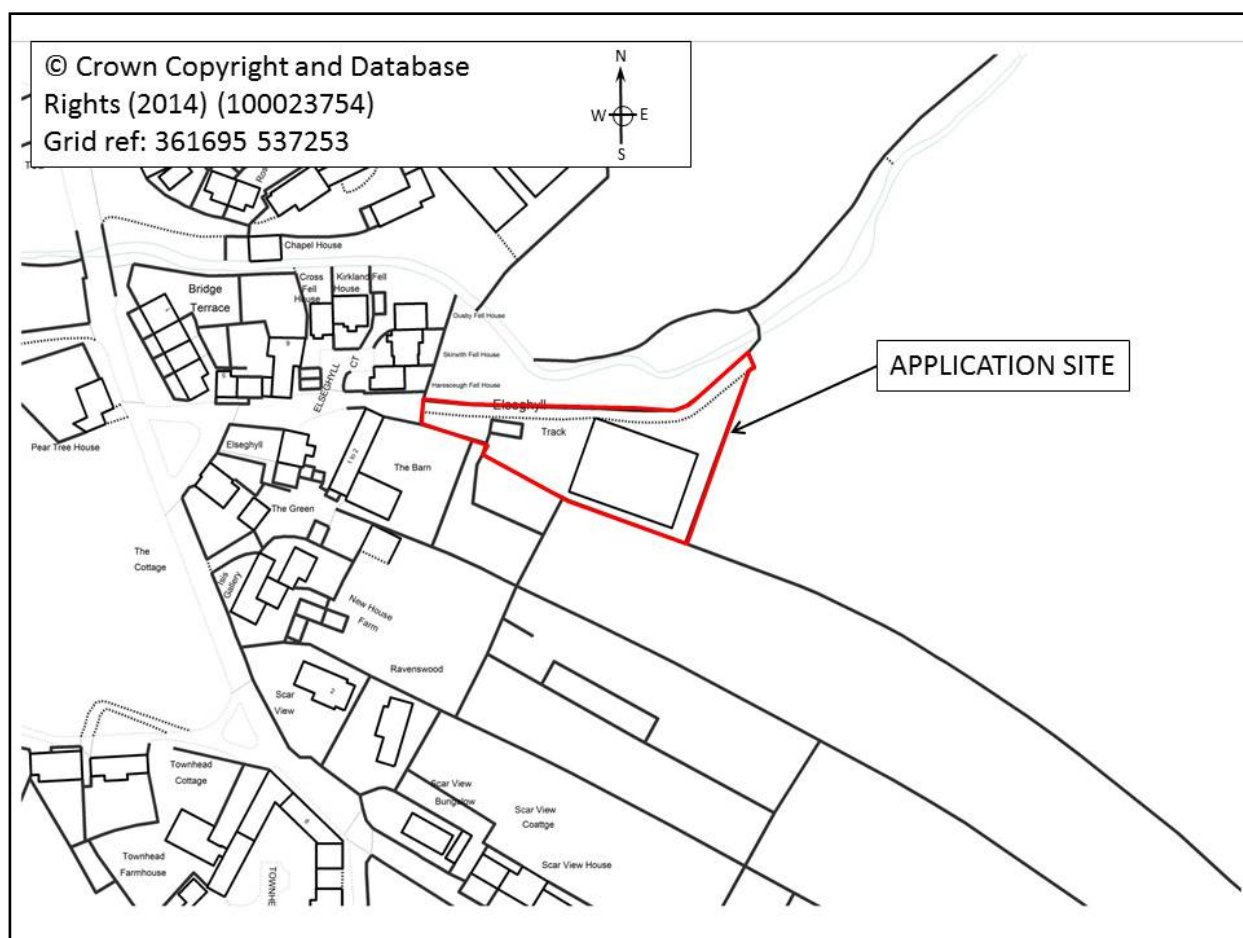
Location: Land at Elseghyll, Rear of Elseghyll Court, Melmerby

Applicant: Ms E Mark

Agent: Mr A Willison-Holt

Case Officer: Ms Rachel Lightfoot

Reason for Referral: To allow Members to consider the application further and to provide conditions should Members remain minded to approve the application contrary to Officer advice.



1. Recommendation

Either

(a) That planning permission be refused for the following reason as originally recommended to Members at Planning Committee on 21 April 2016.

1. The proposed dwelling is considered to be outside the village boundary, physically and visibly distinct from Melmerby and within the open countryside. No exceptional justification for the dwelling has been made to override planning policy which seeks to control housing in the open countryside and the proposal is therefore contrary to Core Strategy policies CS2, CS7 and CS9 of the Eden Core Strategy and Para 55 of the National Planning Policy Framework.

Or

Should Members remain minded to approve the application, that the application be approved subject to the provision of a Unilateral Undertaking to secure a 3% financial contribution to the Council's affordable housing fund and subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Location Plan reference L1/15/0612 received February 2016
 - ii. Proposed Elevations reference L2/15/1610 received February 2016
 - iii. Proposed Floor Plans and Section reference L5/16/0102 received February 2016**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

2. Report Details

- 2.1 At the Planning Committee meeting on 21 April 2016 Members were recommended to refuse planning application 16/0017 for the reasons set out above and based on the assessment of the application as set out in the original committee report included as Appendix A to this report.
- 2.2 The application seeks to demolish an existing shed on the site and construct a two storey detached dwelling. The proposal includes parking/turning area and an area of garden ground.
- 2.3 Justification for the location and provision of the dwelling is put forward on the basis that the site is within the village of Melmerby where new housing is supported in principle.
- 2.4 There have been no changes to the application since it was originally considered by Members at the Planning Committee on 21 April.
- 2.5 Officers remain of the opinion that the application fails to comply with the development plan as it relates poorly to village of Melmerby – it being physically and

visibly distinct from Melmerby and within the open countryside. In addition to not complying with the development plan officers are of the view that there are no material planning considerations which would outweigh this and therefore the reason of refusal provided is appropriate in this case.

3. Reason for refusal

- 3.1 The application is recommended for refusal on the basis that the site is considered to be outside the village boundary, physically and visibly distinct from Melmerby and within the open countryside.

4. The Development Plan and Material Considerations

- 4.1 Members are reminded that they are entitled to depart from the professional advice of officers but only where there is good reason to do so based on clear and legitimate material considerations and the Committee is required to provide clear justification on planning grounds for their decision.
- 4.2 Members are reminded that the personal circumstances of applicants insofar as they relate to their local connection to the village, their desire to live in the village etc are not relevant to the consideration of this application.

5. Implications

5.1 Legal Implications

- 5.1.1 The following matters have been considered but no issues are judged to arise.

5.2 Equality and Diversity

- 5.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

5.3 Environment

- 5.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

5.4 Crime and Disorder

- 5.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

5.5 Children

- 5.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

5.6 Human Rights

- 5.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

6. Conclusion

- 6.1 It is considered that the proposal does not accord with the Development Plan for the following reasons which are not outweighed by material considerations:

The proposed dwelling is considered to be outside the village boundary, physically and visibly distinct from Melmerby and within the open countryside. No exceptional justification for the dwelling has been made to override planning policy which seeks to control housing in the open countryside and the proposal is therefore contrary to Core Strategy policies CS2, CS7 and CS9 of the Eden Core Strategy and Para 55 of the National Planning Policy Framework.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File

Appendix A: Original Committee Report Dated 21 April 2016