

Parish: Potto
Ward: Osmotherley & Swainby
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Committee date: 31 May 2018
Officer dealing: Mr K Ayrton
Target date: 1 June 2018

17/01766/FUL

**New detached dwelling
At 10 Cooper Lane, Potto
For Mr & Mrs K Davison**

This application is referred to Planning Committee as the application is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site forms part of the curtilage of Village Farm. It is approximately 0.4 hectares in size and comprises a mown grass paddock/orchard where there is also a substantial store building of blockwork and sheeting in the north east corner, an open sided store on the south-west side, and stable building, opposite the existing house, which is a chalet style bungalow. There is an existing gated access into the site from Cooper Lane, on the west side of the site.
- 1.2 The site is at the northwest edge of Potto which is mainly linear in form, with an established limb of development westwards at the north end of Cooper Lane, where there are a number of houses along with the single storey village hall.
- 1.3 The proposal is to construct a detached dwelling to the rear of Village Farm, in place of the existing open sided store building. The proposed house is two storey, with first floor rooms contained in the roof space, served by roof lights on the south elevation and dormers on the north and west elevations. The floor plan of the house is "T" shaped. Materials are intended to be brick with slate roofs. The existing store and stable buildings are included within the site and would remain under the control of the owners.
- 1.4 Planning permission was previously refused at planning committee in August 2016. The reason for refusal related to concerns over the conflict with the established built form and character of the village.
- 1.5 The current application has not changed significantly from that considered previously. The main change is to the orientation of the house, which has been rotated by approximately 25 degrees in order to limit any potential impact on the amenity of the neighbouring property. The applicant has also submitted additional supporting information in relation to the historic growth of the village and the access arrangements to the site.
- 1.6 Members raised concerns when considering the application, about drainage associated with the access. The applicant has submitted additional supporting information about the access, which also serves the neighbouring properties and village hall and states that this has been substantially upgraded and the levels altered in order to alleviate the risk of flooding from surface water. The section within the ownership of the applicant has been constructed in a permeable material so as not to put additional pressure on surface water run-off on the lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There have been a number of relevant planning applications in the vicinity of the application site which are listed below:

- 2.2 16/01041/FUL - Construction of detached dwelling following demolition of existing storage building and change of use of existing buildings to ancillary domestic outbuildings to the new dwelling and associated works. Refused 19/08/2016
- 2.3 07/03186/FUL - Retrospective application for the change of use of agricultural building to general storage, installation of external cladding and three windows; Granted 7 May 2008.

Land at the Old Orchard, Cooper Lane, Potto

- 2.4 15/01823/FUL - Construction of detached dwellinghouse and double garage; Granted 1 December 2015.

Land adjacent to Rawcliffe, Cooper Lane, Potto

- 2.5 16/02573/FUL - Demolition of two storage structures and conversion of existing large storage structure into two, semi-detached dwellings; Refused 9 June 2017, Appeal Dismissed 30 November 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 – Site Accessibility
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public Right of Way Officer – Identified a public footpath passing the access to the site.
- 4.4 Ramblers Association – No objection.
- 4.5 Environmental Health Officer – No objection.
- 4.6 Northumbrian Water – The developer should incorporate suitable surface water drainage.

- 4.7 Public comments – Two objections from the same neighbouring property making the following comments:
- The owner of the new property would need to drive over my property to access the site and construct the building; concerns over private rights of way; and
 - Reference to a 2006 decision on an adjoining site for the conversion of a garage to a dwelling - concern was raised in respect of highways and the sustainability of the village.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are: (i) whether the principle of development in this location is acceptable; (ii) the impact on the character of the area; (iii) whether the proposal would have any detrimental impact on the amenity of neighbouring occupiers and; (iv) whether the development would have any detrimental impact on highway safety.

Principle

- 5.2 The site falls outside of the Development Limits of a sustainable settlement, as Potto has no status in the hierarchy set out in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development in locations such as this "in exceptional circumstances". The application does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated hierarchy of settlements, including a list of Other Settlements which are not of themselves sustainable.
- 5.4 In the 2014 Settlement Hierarchy contained within the IPG, Potto is included as an Other Settlement. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services.
- 5.5 The approach of the Interim Policy Guidance is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with other settlements which collectively provide an adequate level of services and facilities. This can be achieved through clustering with a Service or Secondary Village or with sufficient Other Settlements to have "a good collective level of shared service provision". In every case, a cluster "is unlikely to constitute a sustainable community "if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)". Development in villages with no or few services or without

convenient access to services in a nearby settlement will not be considered sustainable.

- 5.6 Potto has limited facilities which include a church, a village hall, and a pub. There being few facilities, it must be decided whether the addition of these facilities to those in other settlements no more than (approximately) 2km away, results in sufficient provision to constitute a sustainable community.
- 5.7 The nearest settlement is Hutton Rudby, a Service Village with a range of services including a shop, post office, pubs, churches, village hall and a school. Potto and Hutton Rudby are approximately 2km apart and as such under the terms of the guidance can be considered to form a sustainable cluster. Potto is therefore considered to form a sustainable community and the development of an additional dwelling is acceptable in principle.

Character and Appearance

- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment.
- 5.9 In terms of built form and character, the village is largely linear in form with an established pattern of growth leading westward off Cooper Lane at the north end. The majority of the village comprises frontage development. The development of a dwelling on the site would result in a tandem arrangement with the new dwelling to the rear of Village Farm, which would not reflect the existing form of the village or form a natural infill within the current pattern of development.
- 5.10 This view has not changed from the previous application. However, the applicant has highlighted a recent permission (15/01823/FUL) for a detached dwelling on a nearby site, located to the rear of the car park that serves the public house. It has to be recognised that the approved dwelling was not entirely in keeping with the built form of the village. However, a difference to the current application is that it had a frontage onto the car park, which helped to avoid the introduction of tandem development. The development was approved in December 2015 but work has yet to commence on site.
- 5.11 There has also been a more recent appeal decision (LPA Ref: 16/02573/FUL) for residential development in the southern part of the village. The site has some similarities in that it is located towards the end of a limb of development extending off Cooper Lane. The Planning Inspector considered that the introduction of residential development “would result in a ribbon extension of residential development encroaching into the countryside, out of character with Potto’s established linear settlement pattern of dwellings principally sited along road frontages”. This contributed towards the Planning Inspector dismissing the appeal due to the harmful effect upon the character and appearance of the area.
- 5.12 Again, the proposal is not directly comparable, with the key difference being the current application site already having residential characteristics. In comparison, the appeal site had a distinctly agricultural appearance.
- 5.13 Ultimately the current application has to be determined on its own merits and it is considered that insufficient justification has been submitted for officers to form a view different to that taken previously.
- 5.14 The site includes a utilitarian building (to be demolished) and an area of mown grass, and natural features such as the hedged boundaries would not be affected.

Consequently the development is not considered harmful to the natural environment or to have significant impact on the historic environment.

- 5.15 The design of the proposed house is broadly traditional in character and, in association with the existing mixed housing along this part of Cooper Lane, and elsewhere in Potto, it would be sympathetic to the character of the village.
- 5.16 There is no evidence that the development could not be accommodated within the existing infrastructure of the village.

Highways

- 5.17 Taking into account the comments of the Highway Authority the development would not be harmful to highway safety. As concluded in assessing the previous application, the concerns of a neighbour with regard to access are capable of being addressed by a suitable scheme for construction of the access, if the development were otherwise acceptable. The private right of way issues raised in objection to this application are civil matters between the relevant parties and cannot form a reason to refuse planning permission.

Residential Amenity

- 5.18 The dwelling is sited such that it is well away from neighbouring properties, including the host dwelling. This ensures that the proposed dwelling will not result in detrimental levels of overlooking or overshadowing. Therefore the proposal will not result in a loss of residential amenity and the proposals are considered to accord with policy DP1.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
 - 1. The proposed development falls outside defined development limits and as such is considered to be a departure from adopted policy. No exceptional case has been made for the proposed development and as such the proposals are considered to fail to accord with Core Policy CP4 and Development Policy DP9 of the adopted Hambleton Local Development Framework.
 - 2. The proposed development is a form of tandem development which does not reflect the form and character of the village in this locality or form a natural infill within the current pattern of development, contrary to the Council's Interim Policy Guidance Note for housing development in villages. The proposed development is considered to be contrary to the requirements of the Interim Policy Guidance, Core Policy CP17 and Development Policy DP32.