

Parish: Rudby
Ward: Hutton Rudby
10

Committee date: 31 May 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 17 May 2018

18/00576/FUL

**Creation of a new detached dwelling
At Land east of Leven Valley and south of South View, Hutton Rudby
For Mr & Mrs R & J Readman**

This application is referred to Planning Committee as the application is a departure from the Development Plan and at the request of Councillor Fortune

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a field of approximately 2.2 hectares in area located on the northern side of the River Leven, to the west of Hutton Rudby Bridge and effectively lies within the open space between Rudby and Hutton Rudby. The access is by a track which is also a public right of way, and serves properties beyond the site, to the west. The track is lined with trees that are the subject of a group Tree Preservation Order.
- 1.2 There is vehicular access into the field from the track that also provides access to the stables and equestrian part of the site in the north-west corner. To the north of the site there is a row of two storey houses, on slightly higher land, known as South View. There is a residential property, Leven Valley, on the west side of the site.
- 1.3 The southern-most part of the site falls within Flood Zones 2 and 3. However, the part of the field where the proposed dwelling would be located, along with the garden space and driveway is located within Flood Zone 1, an area least at risk of flooding.
- 1.4 The site is located within the Hutton Rudby Conservation Area, with the closest listed buildings being the Grade I listed All Saints Church to the east of the site and the Grade II Hutton Rudby Bridge to the west of the site. The Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 1.5 The proposed detached dwelling would be two-storey, with five bedrooms. The total foot print of the dwelling would be 420 square metres, with the total curtilage of the dwelling, including access and garden, being 3,723 square metres. There is a 'ha-ha' landscape edge (a stone wall) proposed to the south of the dwelling. The two-storey dwelling would comprise two cross wings, connected with an adjoining room. The property would be laid out to maximise views to the south through incorporation of double height glazing on the south elevation, with a first floor balcony.
- 1.6 The dwelling would primarily be finished in a combination of stone and timber panelling, with the eastern elevation being entirely finished in stone. The roof would be clad with grey concrete roof tiles. The doors and windows would be either aluminium (coloured dark brown or black) or UPVC. The retaining wall around the southern boundary would be stone.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02472/FUL – Change of use of land from agricultural to equestrian and construction of a stable block; Granted 3 February 2012.
- 2.2 15/01651/FUL – Manure store and stock fence with gate; Granted 4 November 2015.

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received to date.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Durham Tees Valley Airport – No response received to date.
- 4.4 Northumbrian Water – No response received to date.
- 4.5 SABIC UK Petrochemicals Ltd – No observations; the site is approximately 510m from the pipeline and will not affect apparatus.
- 4.6 The Ramblers Association – object to the proposal. Access to the dwelling would be via a traditional cart track constructed to allow access to the historic linear bleach fields. It is less than four metres in width, a narrow passage for motor vehicles. It is also used by walkers starting a popular riverside path up to Blue Barn Lane. The interface problems between the two groups are well known in the village with a proven safety problem. There is already some vehicle passage along the lane and this usage should not be increased.
- 4.7 Public comments – At the time of writing, there have been 16 objections to the proposal and 15 expressions of support.

In summary, the grounds of objection are:

- There will be a major visual impact on the surroundings. The site is in a Conservation Area and directly in the outlook of the 14th century All Saints Church;
- The large overbearing design will destroy the open aspect of the neighbour;

- The proposal for one dwelling is not in line with the needs and wishes of the Parish as identified in the Neighbourhood Plan;
- There are no shortage of larger properties in the area;
- There will be a significant loss of green space in the village;
- There will be an adverse visual impact upon the character and appearance of the Hutton Rudby Conservation Area. The proposal will also be detrimental to the existing, open, rural and undeveloped nature of the site;
- The depth, height and bulk of the dwelling would have an adverse impact on the residential amenity of its nearest neighbours;
- The land forms a natural borderline between the two settlements of Hutton Rudby and Rudby and this proposal could cause potential coalescence of the two settlements;
- The foot print is approximately 2.83 the times the size of the neighbouring houses;
- The proposal will deteriorate the open aspect of Rudby and its wildlife;
- The trees only hide the field and stables partially and only for a few short months of the year when the trees are in full leaf;
- The proposal will dominate the Leven Valley and cause irreversible damage to the character and appearance of this rural historic landscape;
- The dwelling would dominate views from all aspects – north, east, south and west;
- Concerns about levels of the land and siting of the dwelling;
- The Leven Valley should be an intimate area and locally tranquil. This proposal will result in this treasured landscape character being lost;
- There will be an additional 4 or 5 vehicles using this access;
- The Neighbourhood Plan is being developed and this proposal was not considered. It would be better to accommodate the large number of houses being considered necessary for the village;
- The proposal will result in the loss of value to properties;
- The proposal will spoil the outlook of residents along South View;
- The narrow lane usage will be increased and there have already been incidents involving walkers and vehicles; and
- The Village Design Statement states that the whole of the valley is of the utmost importance to the village as a landscape feature, as a wildlife and recreational resource and for the setting of the most historic building in the village - the Parish Church. It also notes that the Leven Valley is of great importance and should be protected from any adverse impact.

A summary of the grounds of support is set out below:

- The modern design will be in keeping with the range of architecture in the village;
- The tasteful positioning of the property allows the field to still be admired from the road;
- It is refreshing that someone wants to build one property rather than sell to a developer. One property means that the field is still preserved;
- It is great that someone who grew up in the village to be able to build their own home;
- It is nice to see one high quality house instead of 30 ugly little houses;
- It is a refreshing design that will suit the site;
- The house fits with the other large detached properties nearby and the view of the valley coming down the hill would still be preserved; and
- With extra planting to the site boundaries, any issues with being overlooked will be mitigated.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development; (ii) the impact upon the character of the village; (iii) design; (iv) heritage assets; (v) residential amenity; (vi) trees; (vii) highway safety; (viii) drainage issues; and (ix) land contamination.

Principle

- 5.1 The site falls outside of the Development Limits of Hutton Rudby and Local Development Framework policy CP4 seeks to resist new housing in such locations unless one of six possible exceptions applies. The submission does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be 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".

- 5.2 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 to bridge the gap between CP4/DP9 and the NPPF when considering residential development within and at the fringes of villages. The IPG includes an updated hierarchy of settlements, including a list of Other Settlements which are not of themselves sustainable.
- 5.3 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

- 5.4 In the 2014 settlement hierarchy contained within the IPG, Rudby is identified as an Other Settlement and is not in its own right defined as sustainable. However, it can be considered sustainable when clustered with the Service Village of Hutton Rudby in terms of the wider level of services available within walking distance of Rudby. It is therefore considered that the principle of development is acceptable in this instance in terms of the sustainability of the location.

The character of the village

- 5.5 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”.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands upon this definition as being normally up to five dwellings. The proposal complies with this requirement as it is for a single dwelling. 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 and the open character and appearance of the surrounding countryside. This is reflective of LDF policies CP16, CP17, DP28, DP30 and DP32.
- 5.7 In terms of the built form and character of the village, the site comprises a large field that is currently used to graze horses with a small piece of the site in the north east corner being used for equestrian purposes, including a stable block. The text of the IPG sets out support for organic growth that reflects the special character of the village.
- 5.8 This proposal is located to the south of the existing dwellings on South View, with a road and public right of way and a line of trees being positioned between these dwellings and the site. As noted in section 1, the Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of utmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.9 It is considered that under the terms of the IPG policy, the proposal for one large detached dwelling would not reflect the built form of the village. The site forms part of a significant break between Rudby and Hutton Rudby which does not form part of either settlement, but separates the two. The significance of this break in terms of the character and appearance of the Hutton Rudby Conservation Area is considered later. The stable building to the west of the site is not residential and due to the rising land from the site and intervening tree line between the site and the properties of South View, the proposed dwelling would not be read in the same context as these properties. Rather it would be viewed as an isolated feature within the otherwise open greenspace between the villages.
- 5.10 The proposed dwelling would not be read in the context of the main part of the village due to its isolated position and would be clearly separated visually. Whilst some of the existing boundary treatments would screen part of the site, the proposed development would still be visible from the surrounding area, particularly when travelling out of Hutton Rudby, over the bridge towards Rudby.
- 5.11 The openness of the land forms a natural border between the two settlements of Hutton Rudby and Rudby and this proposal would reduce the separation between the two, which would lead to their visual coalescence.
- 5.12 This leads to the conclusion that the development would not reflect the form and character of the area resulting in harm to the character and appearance of the rural surroundings, contrary to Policies CP16 and DP30. The proposal is also contrary to criteria 2 and 4 of the Interim Policy Guidance Note as the site does not reflect the existing built form and character of the village, introducing an incongruous feature within the rural surroundings of the site and cause coalescence of the two settlements of Hutton Rudby and Rudby.

Design

- 5.13 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new

developments are appropriate in terms of scale and location in the context of settlement form and character.”

- 5.14 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.16 The applicant’s architect has sought to create a development form and character utilising design detailing taken from traditional agricultural buildings and has carefully incorporated the residential amenity space into the open field beyond. However, the proposed dwelling is large in scale and positioned in the highest part of the site. The scale, design and siting of the dwelling is considered to exacerbate the harm to the open and undeveloped character of the area already noted.
- 5.17 The immediate area to the south is characterised by its undeveloped character, with the exception of the dwelling of Leven Valley to the south west of the site. The land on the opposite side of the river, leading to the rear of properties on North Side, some 200m away, is similarly undeveloped and the two combine to form a significant open break between Hutton Rudby and Rudby. Leven Valley is a detached dwelling that is typical of such a rural location. It is a white washed dwelling under a pantile roof with chimneys and casement windows. The six detached dwellings to the north of the site on South View are of a sharply angular design and sit on the sloping valley side, constructed from brick. Rose Cottage, on the eastern side of Rudby Bank, is a detached bungalow that sits to the east of the entrance to the site. It is a modest bungalow, built of white render under pantiles. Behind this dwelling is Bathurst Cottage, a modest detached dwelling built from brick under pantiles.
- 5.18 The proposed dwelling is substantial in scale, with large cross wing additions, a large amount of glazing, stone and timber panelling with grey concrete roof tiles. A large amount of domestic curtilage is proposed to all sides of the dwelling, with a ha-ha landscape edge. Further domesticating this piece of land would cause harm to the open character of the area and change the appearance of the area by virtue of the associated paraphilia and activities associated with residential life.
- 5.19 It is considered that the proposal fails to reinforce the local distinctiveness of the area due to the scale, form, detailed design and use of materials of the proposed dwelling. The proposed design appears to have more in common with the modern houses on South View, which are outside the Conservation Area, than the prevailing form of buildings within it. Consequently, it is considered that the proposal does not reflect the prevailing form of buildings within the area and fails to comply with the policy requirements of CP17 and DP32 and the National Planning Policy Framework.

Heritage assets

- 5.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.21 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hutton Rudby Conservation Area.

- 5.22 The Village Design Statement states that the Conservation Area covers the historic centre of Hutton Rudby and part of the undeveloped Leven Valley. Furthermore, the Leven Valley area is identified within the Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.23 The current area of land is an open field, with little development, except the stables in the north-west corner. It is considered that the existing site makes a positive contribution towards the Hutton Rudby Conservation Area by virtue of its open, undeveloped nature and forms a natural border between the settlements of Hutton Rudby and Rudby.
- 5.24 The siting of a large detached dwelling and associated amenity space on this open field would change the character and appearance of this part of the Conservation Area by virtue of the domestic use and the scale of the dwelling. Furthermore, the proposed design appears to have more in common with the modern houses on South View, (which are outside the Conservation Area) than the prevailing form of buildings within it. The proposal is considered to fail to preserve or enhance the character and appearance of the Hutton Rudby Conservation Area.
- 5.25 The site is located approximately 120 metres to the west of the Grade I listed building of All Saints Church and approximately 120 metres to the north west of the Grade II listed building of Hutton Rudby Bridge. Consideration therefore should be given to potential impact on the setting of these heritage assets and therefore the impact on the significance of these assets.
- 5.26 It is considered that the dwelling would encroach into the open break between South View and North Side that contributes to the setting of the Grade I listed church and the Grade II listed bridge. However, whilst the proposed dwelling will be visible in views from Rudby Bank in front of the church and to a lesser degree from the churchyard, it is considered that the wider field contributes little to the significance of the setting of the listed buildings, which is more associated with their immediate environs. As such the proposed development is not considered to have a detrimental impact on the significance of the listed buildings.

Residential amenity

- 5.27 It is considered that due to the arrangement of the site and design of the proposed development and its relationship to neighbouring properties, that the proposed development would have no detrimental impact on residential amenity, particularly that of Leven Valley and the properties of South View.

Trees

- 5.28 The application is accompanied by an Arboricultural Impact Assessment. All trees within the site were assessed and categorised with regard to their quality and a retention value was assigned using criteria outlined in British Standard 5837:2012 "Trees in Relation to Design, Demolition & Construction". Overall, the majority of the trees and hedgerows within the site are of reasonable to good physiological and structural condition with few arboricultural issues.
- 5.29 A summary of the trees on the site are as follows:
- Group 1 (Category B in terms of being moderate quality and value and are of a condition that they make a substantial contribution towards the site) – the dominant species are sycamore and hawthorn, are located to the north of the site and are the subject of a Group Tree Preservation Order.

- Group 2 (Category B in terms of being moderate quality and value and are of a condition that they make a substantial contribution towards the site) – the dominant species are sycamore, hawthorn, ash, alder and are located to the south of the site.
 - Trees 1, 2, 3 and 5 – (Category B in terms of being moderate quality and value and are of a condition that they make a substantial contribution towards the site) – all sycamores. Three are located on the western boundary of the site and one is nearest to the access into the site.
 - Tree 4 - Category B in terms of being moderate quality and value and are of a condition that they make a substantial contribution towards the site) – horse chestnut located on the northern boundary of the site.
- 5.30 Following receipt of detailed engineering drawings providing service runs and ground level alterations all measures relating to tree removal, tree retention and protection should be finalised within an Arboricultural Method Statement. It is considered that on this basis, the proposal would not be detrimental to the trees within the application site and any residual issues could be dealt with by condition.

Highway safety

- 5.31 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal and there is no evidence to suggest that the development of a single dwelling would cause harm to highway safety.
- 5.32 It is noted that the Ramblers Associated has raised concerns about the use of the access due to the status as a PROW. However, it is considered that the addition of a single dwelling will not result in a detrimental impact on users of the PROW to a level that would warrant a recommendation for refusal on this basis.

Drainage

- 5.33 Foul drainage would be disposed of via the mains and surface water via a soakaway or a sustainable urban drainage system, the exact details of which could be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Contamination

- 5.34 The historical plans show that the site has been mainly used as agricultural land which is considered unlikely to have caused ground contamination.

The planning balance

- 5.35 Consideration has been given to the benefits of providing one additional home and the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment, particularly the character and appearance of the Conservation Area and the setting of the Grade I listed All Saints Church as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years. This is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 47 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Accordingly it is considered that the substantial environmental harm outweighs any benefits.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The proposed development would not reflect the form and character of the area, resulting in harm to the character and appearance of the rural surroundings, contrary to Local Development Policies CP16 and DP30. The proposal is also contrary to criteria 2 and 4 of the Interim Policy Guidance Note as the site does not reflect the existing built form and character of the village; the proposed dwelling would be an incongruous feature within the rural surroundings of the area and lead to a coalescence of the two settlements of Hutton Rudby and Rudby.
2. The proposed development by virtue of its scale, form, detailed design and use of materials fails to reinforce the local distinctiveness of the area and as such fails to accord with the requirements of Local Development Policies CP17 and DP32 and the NPPF.
3. The siting of a large detached dwelling and associated amenity space on this open field would be harmful to the openness of this part of the Hutton Rudby Conservation Area by virtue of the scale of the dwelling. The proposal is considered to fail to preserve or enhance the character and appearance of the Rudby Conservation Area as stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Local Development Policies CP16 and DP28 and the NPPF and criterion 3 of the Interim Policy Guidance.