

Parish: Aiskew
Ward: Bedale
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Committee date: 28 June 2018
Officer dealing: Mrs H Laws
Target date: 6 July 2018

18/00760/OUT

Outline application for the construction of two dwellings with details of access to be considered (all other matters reserved)

At: Land adjacent to 91 Bedale Road, Aiskew

For: Mr J Yates

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies to the north west of Aiskew on the north western side of Bedale Road. The site currently forms part of the garden of the existing detached dwelling at 91 Bedale Road bounded to the south east by a mature hedgerow fronting onto Bedale Road. The existing dwelling is a bungalow with first floor accommodation within the roofspace.
- 1.2 The site includes the side garden of the existing dwelling, with mature landscaping and areas of lawn. The site is bounded to all sides by hedging and some trees.
- 1.3 It is proposed to construct two dwellings on the site. The application is made in outline with access for approval at this stage; the remaining matters of layout, appearance, landscaping and scale would be for a later application if this is approved.
- 1.4 The existing access would be used to serve 91 Bedale Road and the proposed dwellings. A shared driveway would then run parallel with the front boundary to serve both of the proposed dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

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 DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
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
Supplementary Planning Document - Size, type and tenure of new homes - adopted

4.0 CONSULTATIONS

- 4.1 Parish Council – No reply received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of additional dwellings in this location; (ii) the effect of the development on the character and appearance of the surrounding rural landscape; (iii) the impact of the proposal on the amenity of existing neighbouring residents; and (iv) highway safety.

Principle

- 5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions, none of which are considered to apply in this case. The development:
 - i. is not necessary to meet the needs of an enterprise that has an essential requirement to locate in this position and will help to support a sustainable rural economy;
 - ii. will not secure an improvement in a feature of acknowledged importance;
 - iii. will not provide affordable housing or a community facility;
 - iv. will not re-use an existing building;
 - v. will not make provision for renewable energy generation; and
 - vi. will not support the social and economic regeneration of a rural area.
- 5.3 The location is not therefore defined within Policy CP4 as sustainable.
- 5.4 The NPPF, in paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - i. the essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - ii. where the development would be the optimal viable use of a heritage asset or would be appropriate enable development to secure the future of a heritage asset
 - iii. where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting or
 - iv. the exceptional quality or innovative nature of the design of the dwelling.
- 5.5 It is not considered any of the above criteria apply in this instance.
- 5.6 The Framework makes reference to development that will support local services in a village nearby. The site is within walking distance of Aiskew with a footway located at the front of the site. Aiskew is defined in the settlement hierarchy, together with Bedale, as a Service Centre and is therefore considered to be a sustainable community. The Interim Policy Guidance (IPG) provides more flexibility towards housing development in smaller settlements in the District but specifically excludes

Service Centres. As such the proposed development is not considered to garner support from the IPG.

- 5.7 Two of the core planning principles contained in Paragraph 17 of the NPPF are that planning should be genuinely plan-led and actively manage patterns of growth. Paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development. This is consistent with paragraph 14 of the NPPF, which confirms that the presumption in favour of sustainable development should be seen as a golden thread through decision-taking.
- 5.8 The challenge for the Local Planning Authority is to deliver consistency in its decision making, which is reflective of both the Development Plan and NPPF. Development Limits are an effective tool in achieving this. Arguably it is for the emerging Local Plan to properly consider the way in which settlements should grow and for the time being to continue to apply the policies (in this case Development Limits) relating to housing supply and settlement form until changes (e.g. allocations, amendments to the Development Limits) are formally made in any future adopted Local Plan. There is no evidence that such an approach would be harmful to the Council's requirement to identify and deliver a five-year supply of housing.
- 5.9 It is accepted that whilst the site falls beyond the Development Limits, the fact that it adjoins a Service Centre, supports the view that the site would minimise the need to travel and would help to support the use of local infrastructure and facilities in accordance with the requirements of the NPPF. However, whilst the proposal is relatively small in scale, it would result in unplanned outward spread and have a degree of impact on the wider infrastructure (e.g. highways, education) which is as yet, unplanned for. It may be that the development of three dwellings in isolation would not have a material impact on local infrastructure. However it would fail to deliver some of the benefits that can be achieved through sites allocated in the Local Development Framework (e.g. affordable housing).
- 5.10 Were this application to be approved it would also weaken the Council's ability to resist other sites adjoining the Development Limits of Service Centres throughout the District undermining the plan led approach to the delivery of development. In this regard, it is important to note that there is no policy provision relating to Service Centres that would permit exceptions to Development Limits by reason of the scale of the proposal. Therefore while three dwellings might not seem a significant breach of policy, the principle is identical for proposals of three, thirty or three hundred dwellings.
- 5.11 This leads to the conclusion that the principle of development cannot be supported because of the conflict with policies CP4 and DP8.

Character and appearance of the rural landscape

- 5.12 Notwithstanding the exclusion of Aiskew from the IPG, even if consideration is given to the criteria, the application site lies beyond the main part of the village; there is a significant gap between the existing edge of the Development Limits and the proposed site, which therefore forms part of the countryside and not part of the built form of the settlement. Although there is existing residential development adjacent to the site, it is considered that these properties lie outside of Aiskew itself and the site does not therefore appear as part of the main village.
- 5.13 If considered relevant, the proposed development would therefore be contrary to the criteria of the IPG requiring development to respect the built form and character of the village. Should development be allowed on this site it would provide an opportunity for development to take place on other sites between the application site and the edge of the existing Development Limit boundary, more than 550m to the

south west. Although each application would be considered on its own merits it would make other applications difficult to resist if it is felt that the proposed scheme respects the built form of Aiskew.

Residential amenity

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. It is likely that the proposed dwellings could be designed and sited for there to be no adverse impact on the amenity of the existing dwelling such as overlooking or loss of privacy.

Highway safety

- 5.15 The Highway Authority has no objection to the use of the existing access to serve the additional dwellings subject to conditions.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages and would not respect the built form of Aiskew.
 2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to its scale and location, the development would fail to respect the character and appearance of this rural countryside setting and the built form of Aiskew and would therefore have a detrimental effect on the immediate environment.