

**Parish: Burneston**  
Ward: Bedale  
**1**

Committee date: 20 September 2018  
Officer dealing: Mrs H Laws  
Target date: 28 September 2018

**18/01545/OUT**

**Outline application with some matters reserved (access included) for the construction of one dwelling**

**At: The Myer, Burneston**  
**For: Richard Barker**

**This application is reported to the Committee at the request of a Member of the Council.**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies on the western side of the village to the rear of the dwellings fronting onto the main village street with the rear area of Burneston School to the south and agricultural land to the west. Access to the farm lies between the applicant's dwelling, The Myer, and the properties at Lime Grove. The access track currently bounds the application site to the north of the site.
- 1.2 An agricultural building for the storage of farm machinery, vehicles and implements lies in the north western corner of the site adjacent to the farm access.
- 1.3 The application site covers an area of approximately 0.16 hectares. The site is bounded on the trackside (northern boundary) by a timber post and rail fence. The boundary with the school to the south is a 1800mm close boarded fence, a hedgerow and several trees lie along the western boundary with the adjacent field.
- 1.4 It is proposed to construct one detached dwelling on the site. The application is in outline with only details of access for approval at this stage. The remaining matters of layout, appearance, landscaping and scale would be for later consideration if this application is approved.
- 1.5 The existing access would be used with an opening created from the shared track into the site. The existing implement store would be incorporated into the domestic curtilage; an access already exists from the track to serve this building.
- 1.6 The application site lies outside of the Burneston Conservation Area although the access point directly adjoins the Conservation Area.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00726/APN - Prior notification for agricultural building; No objections 5 May 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 Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Interim Policy Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 24 July 2018

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No comments received to date.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No conditions recommended but it should be noted that a public surface water sewer crosses the site. It is advised that, as surface water is proposed to be discharged to soakaways, comments are sought from other drainage bodies as further restrictions may be imposed.
- 4.4 Yorkshire Wildlife Trust - Cannot provide comments due to the lack of a suitable ecological survey of the site. Determination of the application should therefore, not be considered until an ecological appraisal has been conducted of the site, including survey for foraging and roosting bats of the current building and surrounding trees/hedgerows.
- 4.5 Environmental Health Officer – No objection; the risk of contamination affecting the development or end users is considered to be low.
- 4.4 Public comments – None received to date.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; (iv) ecology; and (v) highway safety.

##### Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Burneston, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant 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 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

- 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.

- 5.4 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.
- 5.5 In the 2014 Settlement Hierarchy contained within the IPG, Burneston is still defined as a Secondary Village and therefore a sustainable 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 including services in a village nearby. The site lies within walking distance of the centre of Burneston which has facilities including a school, shop and public house. Criterion 1 would be satisfied and the principle of development in and adjoining the village is acceptable.

#### Character of the village and the surrounding countryside

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The scheme is for a single dwelling, which is considered to be a small scale development within the village of Burneston. The cumulative impact of a single dwelling in a part of the village where there has been no previous IPG approvals would not be harmful.
- 5.7 The proposed dwelling would be on undeveloped agricultural land that lies to the rear of the existing dwelling known as The Myer, which appears to have been in use in connection with the domestic occupation of that dwelling but has the character and appearance of a paddock. The following detailed advice within the IPG is considered to be relevant:

*Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this.*

*Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.*

- 5.8 This part of Burneston traditionally has all its properties fronting onto the village street and with very few examples of backland development. This specific part of the village to the north of the school on the western side of the street is a clearly defined line of frontage dwellings. This line is continued to the south of the school as far as The Square. The proposed development would produce a second row of

development behind the existing frontage properties, which would be completely out of context with its surroundings.

- 5.9 The eastern side of the village street has a different form and is characterised with in depth cul-de-sac developments. Examples of backland development are few as most of the properties have a road frontage.
- 5.10 The proposal is not considered to respect the character of the local area and would result in a form of development that would have a detrimental impact on its surroundings contrary to the requirements of the IPG.
- 5.11 The site is agricultural land but, in appearance, is not considered to be part of the open rural landscape. Due to its use and the domestic-like structures that are stored on site, its appearance is more in keeping with the village rather than the adjacent countryside. This is reinforced by the landscaping, which provides a definitive edge to the southern and western boundaries and screens much of the view of the rural landscape beyond. It is considered that the development of this site would not have an adverse impact on the openness of the surrounding rural landscape and would not therefore be contrary to LDF Policy DP30.

#### Amenity of neighbouring occupiers

- 5.12 LDF Policy DP1 requires development to adequately protect amenity particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Albeit an outline application with no details of siting provided it is likely that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1. Any additional vehicle movements to serve a single dwelling would not be excessive and would not detract from the amenity of the existing residents.

#### Ecology

- 5.13 An ecological survey has not been provided or requested for this site, as suggested by the Yorkshire Wildlife Trust. The existing building is a modern construction and would not be suitable for bats. Any works to trees and hedgerows would need to comply with legislation relating to protected species.

#### Highway safety

- 5.14 The Highway Authority has no objections to the use of the existing shared access and driveway to serve an additional dwelling subject to appropriate conditions.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
  - 1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015) and the advice within the NPPF.

2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.