

Parish: Great and Little Broughton
Ward: Stokesley
7

Committee date: 20 September 2018
Officer dealing: Mr I Lunn
Target date: 28 September 2018

18/00938/OUT

**Outline application (with matters of access and layout to be determined) for the construction of one detached dwelling
At land to the rear of 81 To 83 High Street, Great Broughton
For Mr & Mrs Bowes**

This application is referred to Planning Committee as the proposal is a departure from the development plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in the service village of Great Broughton. It is accessed off the High Street (B1257) between the gable ends of two dwellings either side. The access currently serves 79, 81 (applicant's property), 81a and 83 High Street, along with the applicant's trailed catering business. The site sits to the rear of the main line of residential development that fronts the High Street.
- 1.2 It is currently in use by the applicant as a base for their catering business. It accommodates a mixture of buildings/structures and a concrete yard used for parking and manoeuvring.
- 1.3 To the north of the application site, the adjacent land is an agricultural field in use for grazing. To the south the land appears to be a garth or paddock at the rear of no 85 High Street.
- 1.4 A public right of way runs along the hedge line approximately 50 metres to the east of the site, with agricultural land beyond. The Development Limits and Conservation Area for Great Broughton broadly align with the western boundary of the application site (excluding the access).
- 1.5 The proposal is for a dwelling, which would require the removal of a single storey structure at the eastern part of the site. The application is in outline form with access and layout to be determined at this stage. All other matters are reserved. Illustrative plans have been submitted in support of the application. These show a two storey, four-bedroom dwelling in the form of a converted barn. This is sited (a matter for consideration) at the top end of the site, perpendicular to the large storage building. The main garden area would be to the south of the building.
- 1.6 The existing access would serve the proposed development.
- 1.7 The applicant has submitted a detailed supporting statement with the application. The applicant states that, in their view:
 - The development would satisfy the requirements of the Council's Interim Policy Guidance (IPG) and is therefore acceptable in principle;
 - Approval would not set a precedent for similar development elsewhere; and
 - The existing business will be wound down as a result of this proposal and consequently there will then be a reduced number of trips to and from the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 98/50521/P - Additional use of domestic garage/agricultural storage building and adjoining land in connection with the storage of light commercial vehicles; Refused 12 April 1999, Appeal allowed.
- 2.2 04/00649/FUL - Extension to storage building; Granted 21 June 2004.
- 2.3 07/03574/FUL - Application to increase the number of trailers allowed under condition iii of the appeal decision on 98/50521/P from 3 to 6; Granted 11 February 2008 for a temporary period expiring 7 February 2009.
- 2.4 16/00348/OUT - Outline planning application with all matters reserved for two dwellings; Refused 16 September 2016 for the following reasons:

1. The site is outside development limits and 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 be contrary to policies CP1, CP2, and CP4 of the Local Development Framework.

2. The proposed development fails to meet all the criteria of the Councils Interim Policy Guidance adopted April 2015, in that it does not reflect the existing built form and character of the village and would have a detrimental impact on the open character and appearance of the surrounding countryside.

3. The proposed development will generate additional traffic on the driveway which is of an unsatisfactory width for the extra traffic proposed in addition to the existing permitted uses. The Planning Authority considers that the use of the Dcreport-07 proposed access to the development would interfere with the free flow of traffic with consequent danger to highway users at the junction with the B1257.

Jet Miners Inn

- 2.5 15/01144/OUT - Outline application for residential development for up to five dwellings; Refused 8 April 2016, Appeal dismissed 29 September 2016.

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 CP8 - Type, size and tenure of housing

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 DP10 - Form and character of settlements

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects on the grounds that (i) the site is outside Development Limits; (ii) the proposal fails to comply with the Interim Policy Guidance (IPG); and (iii) a previous application for two dwellings was refused.
- 4.2 Highway Authority – Expressed concerns that if the existing business remains and expands, the traffic generated by it and the new dwelling would unacceptably intensify the use of the access to the detriment of highway safety. However, on the basis of further information supplied by the agent which suggests that there would be a reduced number of trips to/from the site as a result of the proposal, the Authority considers that it would not be able to sustain an objection to the proposal on these grounds in this instance.
- 4.3 Northumbrian Water - No comments to make.
- 4.4 Environmental Health – The proposed development is in close proximity to an existing storage facility for domestic and commercial vehicles which is owned by the applicant. I have concerns that noise from the existing business may cause an impact on the occupiers of the proposed dwelling.

The proposed development is in close proximity to existing residential properties I have concerns that during the construction phase there may be impact on residential amenity from noise and dust.

However, these issues can be overcome subject to the following conditions.

1. The occupancy of the proposed dwelling shall be tied to the business operator of the storage facility.
2. The working hours for all construction activities on the application site are limited to between 08:00 and 18:00 Monday to Friday, and 08:00 to 13:00 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality.

- 4.5 Public comments - 16 representations in support making the following comments:
- The development would be in a discrete location, suitably sited within the village;
 - Historically there have been no problems with the access and it can serve the dwelling;
 - A development of this scale will not lead to any undue highway safety concerns;
 - Small scale development is sensible, will support local facilities, and recent development in Kirkby sets a precedent; and
 - The development would be more in keeping than a large estate type development; need to support dwellings of individual character.

Two objections making the following comments:

- The access is unsafe;
- Other development has commenced in the area; there is no need for more housing;
- The development will not lend additional support to the village as there are limited facilities;
- There is no timescale for downscaling the business; and

- The scale of development is greater than the commercial properties.

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 and appearance of the area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the effect on nearby heritage assets; and (v) highway safety.

Principle

- 5.2 The site is located in the countryside for the purposes of planning policy, being located beyond the development limits for Great Broughton. Therefore policies CP4 and DP9 of the Local Development Framework are the starting points for considering the application. These include several exceptions where development may be permitted in the countryside. However, none of these scenarios are considered to be applicable in this instance.
- 5.3 Although the proposal is considered to be a departure from the Development Plan, it is also necessary to consider more recent national policy in the form of the revised National Planning Policy Framework (NPPF) published on 24th July 2018. Paragraph 78 of the NPPF states that:

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.

Paragraph 79 goes on to add that planning policies and decisions should avoid the development of isolated homes in the countryside “unless certain specified circumstances apply”.

- 5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council 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 new housing in villages.
- 5.5 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.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Great Broughton is identified as a Service Village, which is considered to be a sustainable settlement.

Therefore criterion 1 is satisfied. The proposal is also considered to be small scale, so criterion 2 is also satisfied.

Character and appearance

- 5.7 The form of the village is a distinct cruciform, and south of the main cross roads, has a linear form, particularly on the east side of the road. The existing business use extends eastwards beyond the extent of the neighbouring gardens and lies outside the main form of the village. This general description of the area was shared by a Planning Inspector in determining a recent appeal for residential development to the rear of the Jet Miners Public House. The proposal was to redevelop a caravan park with a residential development of five dwellings. The Planning Inspector noted:

"I saw that whilst the profile of development differs somewhat to the north of the crossroads where some "in-depth" development has occurred, the village south of Kirkby Lane/Ingleby Road is of a more definite linear pattern, including the section to the east of the B1257 where there is more or less uniform back line of development."

- 5.8 The Inspector went on to conclude that the development would add to the harm caused by the alteration to its linear character, stating:

"The proposed layout would differ from the traditional pattern of homes with a street-facing format, and would have a poor spatial relationship with the built form of development prevailing on High Street."

- 5.9 The site, which is bound by largely undeveloped land, has a relationship with the rural setting of the village. There would be some views available from the public footpath to the east of the site, and harm would be caused to the openness of the countryside surrounding the village.

- 5.10 Whilst it is important to determine each application on its own merits, the appeal decision is clearly comparable and geographically close to the application site. The existing use of the land and the appearance of the buildings are distinct from the frontage residential development. The proposed siting of a dwelling to the rear of the site would not relate well to the established built form. Whilst there is sympathy with the suggested design approach and the idea of continuing the range of buildings, it would still appear as a dwelling that does not follow the prevailing pattern of development within the village and is considered to not outweigh the harm identified.

- 5.11 Therefore it is considered that the proposal fails to respect the local character and form of development and the site's relationship with the adjoining countryside and is therefore contrary to policies CP4, CP16, DP9, DP10, CP17, DP30 and DP32, the Interim Policy Guidance and the NPPF.

- 5.12 The application is in outline, although sketch drawings of the proposed development have been submitted with the application. These drawings indicate a dwelling in the idiom of a converted bungalow, completed in traditional materials. Officers have no objection to the proposed design, which responds effectively to the rural location on the edge of the village.

Residential amenity

- 5.13 The proposed siting of the dwelling would allow a design to be achieved at reserved matters stage that would avoid a detrimental impact on the amenity of neighbouring properties.

- 5.14 The access runs immediately adjacent to the gable ends of residential properties. An increase in vehicular activity in this setting would have some impact on residential

amenity. However, due to the nature of the existing occupation of the site, compared with the profile of use likely to be experienced as a result of the proposed development, it is not considered likely that this additional impact would be sufficiently harmful to warrant refusal of planning permission.

Heritage assets

- 5.15 The site adjoins the Great Broughton Conservation Area. 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 Conservation Area. Whilst adjacent, the site sits to the rear of the Conservation Area. It was observed at the site visit that it is the frontages of the properties in the Conservation Area and their cumulative contribution to the streetscape that relate most to its special character and appearance. In contrast, the rear of the properties and the application site make a much more limited contribution. Therefore it is considered that the proposed development would not have a harmful impact on the Conservation Area or its setting.

Highway safety

- 5.16 The Highway Authority has concerns that this proposal could lead to the intensified vehicular use of the existing access onto High Street. The concern is that if the existing business remains in operation and expands in the future the traffic that it generates, coupled with the traffic generated by the new dwelling, would unacceptably increase the vehicular use of the access to the detriment of highway safety in the area. This has been considered; however, the Council would have some control over the future expansion of the existing business as there are planning controls limiting the size and number of vehicles and trailers that may be stored on the site at any one time. Additionally, should planning permission be granted for the proposed development, the applicant has indicated their willingness to enter into a planning obligation should traffic generation be considered to be an issue.
- 5.17 Furthermore it is considered that one dwelling is unlikely, of itself, to generate significant additional vehicular movements. With this in mind it is considered that a refusal of this application on highway safety grounds would be difficult to sustain in this instance.

6.0 RECOMMENDATION

- 6.7 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development would be located on the edge of a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out six 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 fails to respect the local character and form of development and the site's relationship with the adjoining countryside. The proposal also fails to meet any of the exceptional circumstances set out in Policies CP4 and DP9 of the Core Strategy and Development Policies Document and paragraph 79 of the National Planning Policy Framework that would otherwise justify development outside Development Limits and in the open countryside. The Development would therefore be contrary to LDF Policies CP1, CP4, CP16 and, CP17, and DP9, DP30 and DP32, the Council's Interim Planning Guidance (2015) and the relevant provisions of the National Planning Policy Framework.