

Parish: Hutton Rudby
Ward: Hutton Rudby
7

Committee date: 7 March 2019
Officer dealing: Mr Sean Rawling
Target date: 30 November 2018

18/00768/OUT

Outline application with all matters reserved for the construction of four detached dwellings

**At Land Off Embleton Farm, Garbutts Lane, Hutton Rudby
For W S & V Cunningham**

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 is located to the north-west corner of Hutton Rudby approximately 160m north of Garbutts Lane. It is rectangular in shape and extends to approximately 0.39 hectares. It is currently used for grassland in conjunction with the adjacent land at Embleton Farm.
- 1.2 On approach from the west the site is relatively open in character. The main built form of the village lies to the east. The existing site's associated farm buildings are situated approximately 80m to the north. Hutton Rudby Cricket Club lies to south-west of the site and contributes to the open character of the area.
- 1.3 A 0.92 hectare site lies immediately south of proposed development site with seven dwellings located in the south east corner. This site has a previously approved development (16/01836/FUL) for 25 dwellings under allocation SH5. It is understood that development at this site is due to commence around May 2019.
- 1.4 The proposal seeks outline approval with all matters reserved for the construction of 4 dwellings. The plans submitted as part of the application are for indicative purposes only. However, it demonstrates the relationship between the approved site to the south and the proposed development. The site will make use of an existing access off Garbutts Lane which currently serves Embleton Farm. It has been indicated that the dwellings will be of bungalow design, although this matter would be for determination at a later date.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 82/1212/FUL- Construction Of An Agricultural Workers Dwelling- Granted
- 2.2 92/1108/MRC- Removal Of Agricultural Occupancy Condition- Refused
- 2.3 92/1143/MRC- Removal Of An Agricultural Occupancy Condition- Withdrawn
- 2.4 99/50689/O- Outline application for the construction of a dwellinghouse- Refused
- 2.5 14/00009/FUL- Construction of agricultural workers dwelling- Granted

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 DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
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 – Advises that the Neighbourhood Plan Steering Group has carried out research in the community and found that the preference for housing is a mix of affordable homes and smaller properties for young families.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments – Six observations received in support of the development citing need for housing in the village and the favourable location of the site.

47 Objections to the proposal mainly citing conflict with the emerging neighbourhood plan, pressure of local infrastructure, access issues, plot ratio, proximity to a pipeline and impact upon local school places.

- 4.4 Health and Safety Executive – Notes the site is located in proximity to pipelines.
- 4.5 SABIC – The site lies within 25m of a pipeline. Further consultation will be required should permission be granted.
- 4.6 Northumbrian Water – No objection subject to condition.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity; and (iv) highway safety.

Principle

- 5.2 The site lies outside of the Development Limits for Hutton Rudby. Policy DP9 states that development will only be granted for development in such locations 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.
- 5.3 To ensure appropriate, consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 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 residential development within villages. The IPG has brought in some changes and

details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 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, Hutton Rudby 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 in those terms.

Character and appearance

- 5.6 Core Policy CP17 sets the requirement to achieve a high quality of design of both buildings and landscaping in the case of all development proposals and (amongst other matters) requires that development “respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment, and incorporate public art where appropriate”
- 5.7 Development Policy DP30 seeks to protect the openness, intrinsic character and quality of the District’s landscape. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.8 Development Policy DP32 states that (amongst other matters) proposals must respect local character and distinctiveness (including that of the surrounding landscape, in accordance with Policy DP33) by enhancing its positive attributes whilst mitigating its negative aspects.
- 5.9 Along with the remainder of criterion 2 of the Interim guidance, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.10 Historically, development to the north side of Garbutts Lane has been contained within Hundale Gill, which has served as the prominent feature in defining the existing form of the surrounding area. The allocation of site SH5 constitutes a logical continuation of this form by following the line of Levendale which lies immediately to the east. The development would sit outside this established line and would not relate well to the established built form, with dwellings predominantly fronting main roads. In contrast, the dwellings would be accessed via a long drive with the dwellings facing the wider countryside

- 5.11 The development would also intrude into the countryside adjoining the village and would be read in conjunction with the existing agricultural buildings to the north which are somewhat different in character to a residential development.
- 5.12 On this basis, the introduction of four dwellings would result in a detrimental impact as it does not reflect the existing built form of the village or the character and appearance of the surrounding countryside.
- 5.13 With respect to the proposed built form, officers initially raised concern that the proposed development did not respond well to the built form of the village or character and appearance of the wider countryside and resulted in conflict with the IPG. In response, the applicant proposed a scheme of landscaping wrapping around the northern side of the development. Although this mitigates against an impact upon the wider landscape, it does not adequately address the harmful impact upon the built form of the village.
- 5.14 On this basis, it is considered that the proposed development would result in an unacceptably detrimental impact on the character and appearance of the site and surrounding area and does not comply with criteria 2 of the IPG or Core Policy CP17 and Development Policy DP30 and DP32 contained within the Hambleton Local Development Framework.

Local infrastructure

- 5.15 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.16 Comments received in objection to the application largely relate to the ability of the proposed development to be accommodated within the village's existing infrastructure, most notably the capacity of the existing school. However, the capacity of the school would be a matter for consideration by North Yorkshire County Council, who are responsible for the provision of school spaces. This in itself is not considered to be reason for refusal.

Residential amenity

- 5.17 It is considered that the site is capable of accommodating four dwellings without prejudicing residential amenity, particularly that of the occupiers of the aforementioned allocated site, once developed. There is no reason why the scheme would result in an overbearing presence or cause a loss of light to neighbours. The issue of residential amenity, particularly privacy, would be a matter for consideration during a reserved matters application, but it is considered that the site could be designed to protect amenity.
- 5.18 The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.19 The proposed development would make use of an existing private access which currently serves the land at Embleton Farm.
- 5.20 The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. Furthermore, there is no evidence to suggest that the intensification of the existing access onto the adopted highway would cause harm to highway safety.

Planning Balance

- 5.21 The proposal would lead to the creation of four homes, in a location adjacent a sustainable settlement, that would not prejudice existing residential amenity or highway safety. However, the proposed development would sit outside the existing built form of the settlement and intrude into the surrounding countryside leading to an unacceptably harmful impact on the character of the area. Overall, the application fails to meet the requirements as set out in policies CP4, CP17 and DP30 and DP32 of the Local Development Framework and criterion 2 of the Interim Policy Guidance Note.

6.0 RECOMMENDATION

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

1. The proposed development is contrary to Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. The proposal also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the proposal is considered to be harmful to the character and form of the settlement. As such the development is also considered to fail to accord with the requirements of Core Policy CP17 and Development Policy DP30 and DP32.