

**Parish: Alne**  
Ward: Easingwold  
**5**

Committee Date : 9 January 2020  
Officer dealing : Mrs Naomi Waddington  
Target Date: 20 January 2020  
Date of extension of time (if agreed):

**19/02514/FUL**

**Construction of a 1.5 storey detached house.  
at Fallodon Forest Lane Alne North Yorkshire  
for Mr Olly Shipley**

**This application is referred to Planning Committee as the proposed  
development is a departure from the Development Plan.**

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

- 1.1 The application site comprises a triangular shaped plot located at the junction of Forest Lane and Main Street, at the southwestern-extremity of the settlement of Alne Station. The site occupies the front domestic garden of Fallodon, which is a single storey semi-detached dwelling. Alne Station is located approximately 650 metres to the north-east of Alne village 3.3km by road to the north of Tollerton village and 5.4km to the south-west of Easingwold.
- 1.2 The application site extends to approximately 0.09 hectares and is accessed from the existing private driveway and turning area from Forest Lane. The access and turning is also shared with the dwellings Fallodon and Manacor. The site is bounded by a roadside hedge to the north, with residential dwellings including Milnthorpe House and the 5 dwellings formed through the converted listed building at The Maltings to the north of Forest Lane. Substantial tree screening forms the southern boundary with the dwelling Low Hall. The residential dwellings of Fallodon and Manacor, along with farm buildings associated with Park Farm are to the east. The western boundary abuts Main Street, is marked with a fence and trees, and open countryside on the opposite side of the road that runs south towards Alne village.
- 1.3 The application site is located outside of Alne Conservation Area. The Maltings, a Grade II Listed Building, is located approximately 30 metres to the north of the application site.
- 1.4 Full planning permission is sought for the construction of a detached, 1.5 storey dwelling. The dwelling measures approximately 10.8m wide x 12.2m deep, and is 3.3m high to the eaves, and 7.3m to the ridge. An attached garage is located to the south side, approximately 5.9m wide x 8.6m deep. The garage is set back slightly from the front (east) elevation with lower ridge and eaves. The front elevation has a front porch, two dormer windows and two rooflights to the house and one rooflight over the garage. The rear elevation has a full width flat roofed wing projecting approximately 3.5m to the west, with roof lantern, and extensive full height glazing. There are three dormer windows on the rear elevation over the house, and one over the garage. Internally the dwelling has ground floor kitchen/dining/living room, family room, living room, utility and WC. At first floor level are four bedrooms, one with dressing room and ensuite, one further ensuite and one house bathroom. The dwelling is to be constructed of brick under a slate or concrete tiled roof.
- 1.5 The application is submitted with a Planning Statement. Its conclusions include the proposal complies with the Council's 'Interim Policy Guidance'; the proposal is well related to existing development, not extending into open countryside; landscape features will be retained and enhanced; the design achieves a good quality living environment with no significant detrimental impact upon the amenity of neighbours;

safe access can be achieved; there is no detrimental impact to the natural, built or historic environment; the proposal results in social and economic benefits.

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

- 2.1 13/01999/FUL Proposed vehicular access. This was to be to the west of the existing vehicular access. APPROVED 15.11.2013, not implemented
- 2.2 18/02070/FUL Construction of a detached, one and a half storey dwelling APPROVED 21.11.2018 The approved scheme was found to be a well-designed dwelling, with ground floor kitchen, lounge, dining room, utility, WC and ensuite bedroom, with a further two first floor bedrooms and bathroom

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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  
Development Policies DP1 - Protecting amenity  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Practice Guidance

## **4.0 CONSULTATIONS**

- 4.1 Parish Council - response awaited (consultation period expires 23.12.2019)
- 4.2 Highway Authority - No objection, subject to conditions regarding the construction requirements of the private access, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health - No objections
- 4.4 Yorkshire Water - response awaited (expires 23.12.2019)
- 4.5 Representations - None received to date (Site notice expires 08.01.2020)

## **5.0 ANALYSIS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) Design/impact on the character and appearance of the village and the rural landscape; (iii) heritage assets; (iv) residential amenity; v) highway safety, vi) drainage issues and (vii) land contamination

## The principle of development

- 5.2 The site falls outside of Development Limits of Alne. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development outside of Development Limits "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 National Planning Policy Framework (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, 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 settlement hierarchy contained within the IPG, Alne Station is defined as an "Other Settlement". Alne village is approximately 650 metres away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two settlements and access to bus services. Alne and Alne Station are identified as "Cluster Villages" within the IPG due their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG; that proposed development must provide support to local services including services in a village or villages nearby.

Design/impact on the character and appearance of the village and the rural landscape

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and reflect the existing built form and special character of the historic rural villages, in accordance with criteria 2 of the IPG.
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". The proposal represents one dwelling so is small in scale. The second test of criterion 2 requires the development to reflect the existing built form and character of the village. This is assessed below along with the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG, in relation to its impact on the natural, built and historic environment, and character and appearance of the countryside. 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 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."
- 5.9 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 settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policy requires development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements.
- 5.10 The National Planning Policy Framework Planning supports this approach. Paragraph 124 states
- "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- Paragraph 130, 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,"
- 5.11 With regard to the submitted scheme there are serious reservations in relation to the quality of the design, the size, the impact on the trees, and the relationship with its surroundings. The site occupies a prominent position in the streetscene at the junction of Forest Lane and the Main Street from Alne village. The large flat roofed rear wing, extensive use of dormer windows, substantial areas of glazing with unbalanced fenestration are not considered to represent high quality design, and neither does it reflect the character of this part of the village or the traditionally designed dwellings to the north and south.
- 5.12 In addition the size of the dwelling this significantly wider and deeper than the previously approved dwelling. The submission advises
- 'The proposals would retain existing mature screen planting where possible'

No details are shown on the submitted plans of existing trees and hedges, and the garage is sited very close to the row of tall trees on the southern boundary. No information has been submitted to demonstrate the dwelling can be erected in close proximity to the trees without harm to the trees. Policies CP16 and DP30 seek to resist development having a detrimental impact natural assets and landscape character. The proposal is therefore in conflict with the policies CP16 and DP30.

- 5.13 Having regard to the above it is considered that the proposal fails to meet criterion 2, 3, 4 and 6 of the adopted Interim Policy Guidance (IPG) set out above. The poor quality design and potential harm to the trees is considered to have a detrimental impact on the character and appearance of the village and the rural landscape and fails to accord with the principles of the NPPF and the requirements of Policies CP16, CP17, DP30 and DP32 of the adopted LDF.

#### Heritage assets

- 5.14 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 Alne Conservation Area.
- 5.15 The application site is located 750 metres to the north east of the Alne Conservation Area. It is considered that given the distance from the site to the Conservation Area, the proposal will not harm the significance of the designated heritage asset.
- 5.16 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.
- 5.17 The Maltings, a Grade II Listed Building, stands approximately 30 metres to the north of the application site. There is substantial screening provided by existing buildings and mature landscaping between the site and the Grade II listed building. The most sensitive elevation of 'The Maltings' fronts onto Alne Road and is not viewed in conjunction within the application site.
- 5.18 It is considered that given the distance and intervening road and landscape feature between the site and the Grade II Listed Building, the proposal will not harm the significance of the designated heritage asset.

#### Residential amenity

- 5.19 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. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.20 The previous approval considered the site capable of accommodating one dwelling without prejudicing residential amenity of Fallodon, Manacor and Low Hall by reason of overbearing, overshadowing or overlooking impacts, and similar considerations apply to the current proposal.
- 5.21 However no information been submitted to demonstrate the proposed parking and turning for the application dwelling, along with the existing dwellings of Fallodon and Manacor which share the access, parking and turning area. In addition the proposed garage is not wide enough to comply with NYCC's design guidance to accommodate two cars, and a garage is not accepted as a being available as a parking space as it

is commonly used for storage. Without this information it is difficult to make a reliable assessment of whether the parking and turning facilities are likely to result in harm to existing levels of amenity afforded to neighbours, or whether the proposal would result in poor levels of amenity for occupants of the proposed dwelling.

#### Highway safety

- 5.22 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.23 Access to the site would be taken from Forest Lane via the existing driveway which leads to a shared parking and turning area for Falloden and Manacor.
- 5.24 The proposed development relates to a sustainable location, benefitting from good accessibility to local services by alternative modes of transport and would have a minimal impact on the highway network.

#### Drainage

- 5.25 Foul drainage from the site would connect to the existing mains sewer, whilst surface water would drain to soakaway(s) as a sustainable drainage system.
- 5.26 The exact details can be secured 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.

#### Land contamination

- 5.27 The submitted information states that the site is a domestic garden and does not identify any unacceptable risks from land contamination.

#### Planning Balance

- 5.28 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. The site has an extant consent for a well-designed modest dwelling. The design of the proposed dwelling is out of character with its surroundings of both existing built form and surrounding countryside. In addition no information has been submitted to demonstrate the site can be developed without harm to the adjacent trees, or that that the parking and turning facilities can be provided for all three dwellings using the access without resulting in harm to existing levels of amenity afforded to neighbours, or a poor level of amenity for occupants of the proposed dwelling. Whilst there would be some social and economic advantages through the provision of a new house, the economic gain from the residential development and future occupation would be limited. The harm to the form and character of the village and the countryside is substantial and this harm to the environment is not outweighed by the limited social and economic gains.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

1. The proposed development is contrary to Core Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits.

It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as all new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reason of its form and design is out of context and character with the surrounding built form and countryside. 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 Hambleton Local Development Framework Policies CP1, CP16, CP17, DP30 and DP32.

2. No information has been submitted to demonstrate the site can be developed without harm to the trees located along the southern boundary contrary to the provisions of Hambleton Local Development Framework Policies CP16 and DP30.