

Parish: Great And Little Broughton

Ward: Stokesley

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Committee Date : 9 January 2020

Officer dealing : Ms Helen Ledger

Target Date: 27 November 2019

Date of extension of time (if agreed):

19/02067/OUT

Application for outline planning permission with all matters reserved for the construction of a dwellinghouse.

at Land To West Of 38 The Holme Great Broughton North Yorkshire

for Mr Stewart Williamson.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site currently forms part of the large garden associated with the detached dwelling known as 38 The Holme. The site is laid to grass and adjoins a former agricultural building to the south and a large ornamental pond all within the confines of a large garden.
- 1.2 The site is located on the western fringe of the village of Great Broughton outside the Development Limits of the village. Access to the site is via a shared drive with nos. 38 and 40 The Holme. The site is at a raised level away from adjoining neighbours and the boundaries are hedge-lined and complemented by a range of ornamental trees and shrubs.
- 1.3 Approximately 25m to the east of the application site is the boundary of the Great Broughton Conservation Area, which bisects the site of 38 the Holme. To the north is a large garden associated with the neighbouring dwelling and to the south an open area, agricultural in character, associated with the farm to the south.
- 1.4 The proposal seeks outline planning permission for the construction of one detached dwelling, all matters are reserved. Whilst this application is in outline form with all matters to be considered at the reserved matters stage, the agent has suggested that the site is capable of accommodating one dwelling to allow the owners to downsize to a smaller dwelling from their property at 38 The Holme.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/01500/FUL - Alterations to existing agricultural building to include a pitched roof in place of flat roof - Approved 16.09.2004
- 2.2 95/50550/P - Construction of a detached bungalow as amended by plans as received by Hambleton District Council on 19th May 1995 - Refused 20.07.1995.

1. It is of the opinion of the Local Planning Authority that the proposal is contrary to policy H5 of the Stokesley Area Local Plan and policy H8 of the Hambleton District wide Local Plan (Deposit draft 1994) by reason of the inappropriate form and layout of the proposal within the site and the resulting unsatisfactory standard of residential amenity.

2. The development of this restricted site which is located outside the main built up form of the village in a prominent position would be an undesirable intrusion into the countryside and, if approved, would create an undesirable precedent to extend the domestic curtilage further outside the village limits by the introduction of extensions and domestic paraphernalia.

- 2.3 The application was also dismissed at appeal,

2.4 94/50484/P - Construction of a detached dwelling-house with domestic garage - Refused 31.03.1994.

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2.5 92/0971/FUL - Construction Of A Detached Dwelling - Refused 04.02.1993.

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2.6 91/1118/OUT - Outline Application For The Construction Of A Dwelling - Refused 01.05.1991.

1. The proposal is contrary to policy H1 of the Stokesley Area Local Plan and Policy H1 of the Stokesley Area Draft Local Plan which seek to restrict development outside settlement limits to that which is deemed essential to the needs of agriculture or forestry or other exceptional circumstances which warrant the grant of planning permission.
2. The proposal represents a form of tandem development which would be objectionable on amenity and other grounds.

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
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 DP8 - Development Limits
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 DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Great and Little Broughton Parish Council - No response received

- 4.2 NYCC Highways - No objections.
- 4.3 Northumbria Water - Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer.
- 4.4 Environmental Health (resident services)- No objections.
- 4.5 Environmental Health (contaminated land) - Having assessed the PALC form which has not identified any risk of contamination the risk to end users is considered to be low. Therefore no objections raised.
- 4.6 Site notice posted and neighbours notified. Two representations received, one objection and one neutral. Comments made summarised below.
- Would like assurance that if permission is granted, the dwelling would not be outside the village boundary, if it is then this would open up the land nearby to development.
 - Concerns raised on the narrow access between the neighbouring house, currently only used by small amount of traffic.
 - Large lorries and construction vehicles would not be able to turn up/down to reach the site. Another access would be needed.
 - Granting consent would be contrary to planning policy, including the Hambleton LDF.
 - The site is outside development limits and does not meet any of the policy exceptions, a retirement home is not affordable housing.
 - The village has a good supply of affordable homes.
 - Neighbours' rights to privacy will be challenged.
 - Great Broughton is located inside the restrained area identified in LDF Spatial Principles 2. This is not a sustainable development in accordance with Spatial Principle 3, as it is outside development limits and does not meet exceptional criteria.
 - Development here will not enhance the character or appearance of the area.
 - It will not protect the high quality environment, a designated conservation area.
 - Must be compatible with RSS - The value of the existing property at 38 The Holme means it is not an affordable home. As a result it is likely to attract either retirement in-migration or commuters to the Tees Valley Area in contravention of the supported SVTA.
 - It is contrary to the Interim policy guidance note points 3, 4 and 6. This property is to be located outside of the village development limits meaning it will have a significant detrimental impact on all properties and garden areas surrounding the proposed development. This property is likely to be 6-8m high.
 - This development will have a significant detrimental impact on the immediate open character nature of surrounding properties and garden areas. Reference is made to the Human rights act, in particular Protocol 1, Article 1 which recognises the right for peaceful enjoyment of all their possessions, which includes the home and other land. Reference also made to Article 8 in the case of Britton vs Secretary of State, where private and family life encompasses not only the home but also the surroundings.
 - It does not conform with all other relevant LDF or SVTA policy objectives such as exceptional circumstances and discouragement of in-migration and ensuring it meets the needs of local people as discussed in section 1 above and 3 below. It clearly does not comply with all 6 criteria as required.

- The proposed housing development will be two stories in height meaning a structure height of 6-8m. This is located directly south of a private, non-overlooked garden area. Allowing the development to take place here will have a detrimental effect on: -
- The openness and character of the surrounding property garden areas.
- Significant rights of privacy.
- Warmth from the winter sun could be lost from vegetable gardens and poly tunnel areas.
- The development will see the introduction of pollution and noise to an area free from this at the moment.

5.0 ANALYSIS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact of the development on the character of the surrounding area, including the character and appearance of the village (iii) residential amenity; (iv) highway safety; and (v) drainage.

Principle

- 5.2 The site falls outside the Development Limits of Great Broughton. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development beyond 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).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7th 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 includes 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 reproduced in the IPG, Great Broughton is identified as a Service Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating

small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located to support local services.

Character, appearance and Design

- 5.6 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."
- 5.7 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, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.8 The National Planning Policy Framework supports this approach and, at 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. Whilst this application is in outline, these requirements are still considered pertinent to the determination of this application.
- 5.9 Core Policy CP16 states that Development will be supported where it preserves and enhances the District's natural and manmade assets. However, development will not be supported which has a detrimental impact upon the interests of a natural or man-made asset.
- 5.10 Development Policy DP10 states that permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements.
- 5.11 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.12 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale.
- 5.13 The planning statement makes reference to a recent permission granted at Annaclay Farm, 17/02207/OUT. This involved the replacement of a large outbuilding and greenhouse with one dwelling on a slightly smaller footprint, and thus, in that case, this greatly neutralised the potential for harmful impact on form and character. Although approved in outline, it was understood at the time that the scheme would be likely to result in a single storey dwelling.
- 5.14 In the context of this application at 38 The Holme, there are a range of detached dwellings within the immediate locality, the majority of which tend to closely follow the line of the river valley. Although there are, in some locations, dwellings and other development to the rear of the frontage properties on the Holme, these are limited and represent a dispersed pattern; but do not tend to go beyond the confines of the valley sides. The development boundary reflects this layout and has, to a great degree, maintained the settlement within this form. The area has an attractive quality with some historic properties set in large gardens. It is considered that development

on the higher ground beyond the valley sides would create a form that would be out of character with this part of the settlement.

- 5.15 Criterion 3 of the IPG states that development must not have a detrimental impact on the natural, built and historic environment. The site is part of a large domestic garden and although close to the conservation area it is an elevated site so unlikely to create a negative impact on this historic environment or its setting. Likewise it will not have an impact on other aspects of the built environment. The garden setting does not contain any significant habitats. However, the extent of the garden contributes to the wider countryside setting of the village. However, on balance it is considered that the proposal is in compliance with criterion 3.
- 5.16 Criterion 4 of the IPG states that development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.17 The proposal involves the development of garden on ground higher than the main part of the village, which is largely open in character with no other buildings adjacent, except for a small agricultural shed and the buildings associated with Annaclay farm to the south. Views from the public sphere are limited to the track, a public right of way, to the south of the site which serves Annaclay farm.
- 5.18 In terms of character, the site is considered to relate to the open countryside surrounding the settlement, rather than forming part of the settlement and as such is considered part of the wider countryside. It is considered that the proposed development would have a detrimental impact upon the open character and appearance of the surrounding countryside.
- 5.19 It is therefore considered that the proposal would be harmful to the form and character of this part of the village and would introduce an incongruous form of development. The development whilst small in scale fails to meet the requirements of criteria 2 and 4 of the IPG and therefore is also contrary to policy DP10, through the loss of this green area on the edge of the village.
- 5.20 Approximately 25 metres to the east of the application site is the boundary of the Great Broughton Conservation Area. The Conservation Area is largely characterised by residential properties along with the stream and associated trees and landscaping close to the application site. It is considered that due to the distance from the Conservation Area boundary the proposed development will have no harmful impact on the setting of the Conservation Area in this instance.
- 5.21 As this application is submitted in outline it is not possible to assess whether the dwelling proposed meets the requirements of high quality design set out in CP17 and DP32, but it is considered possible that a dwelling could be designed to comply with these requirements.

Residential amenity

- 5.22 It is considered that, subject to a suitably designed house, the plot is capable of accommodating a single dwelling without prejudice to residential amenity, by being overbearing in presence, causing loss of light or loss of privacy. As such the proposed development is considered to be in compliance with Development Policy DP1.

Highway safety

- 5.23 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.24 Access to the site is via the existing ford from the high street or from The Holme, a road that currently serves a number of dwellings along the valley sides. This proposal would create a third dwelling from a single track road currently shared by two dwellings and has been judged acceptable by the Highway Authority, who have raised no objection to the proposal subject to conditions.
- 5.25 The Public Right of Way that runs to the north of the site would not be adversely affected by the proposed development.
- 5.26 It is therefore considered the site can be accessed safely for the purposes of the development of one dwelling and as such the proposed development accords with the requirements of Development Policy DP4.

Planning balance

- 5.27 The Interim Policy Guidance note criteria are required to be met in full. As set out above it is found that this proposal would fail criterion 2 in that this would represent a break from the established built form and character of the village. It is further considered that the proposals are harmful to the character of the countryside surrounding the village and as such fail to meet the requirements of criterion 4. The proposed development is considered to fail to accord with the requirements of Core Policy CP4, CP16 and CP17 and Development Policy DP10 and DP32.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. The proposed development is contrary to Development Policy CP4 as the proposed new dwelling is outside the Development Limits of Great Broughton and fails to comply with the requirements of the Council's Interim Policy Guidance.
2. The proposed development is contrary to adopted development plan policies CP16, CP17 and DP10 and DP32 as the proposals do not respect and enhance their local context. The proposal fails to respect the local form and character of the settlement and is considered to have a harmful impact on the character and form of the settlement. The proposed development is also considered to have a harmful impact on the character of the landscape surrounding the village. On this basis the proposed development is also contrary to the Council's Interim Policy Guidance Note. The proposal is contrary to the NPPF paragraph 127 bullet points a), b) and c), as it will not add to the overall quality of the area, create an appropriate layout and be sympathetic to local character and the surrounding built environment.