

**Parish: Huby**  
Ward: Huby  
**8**

Committee Date : 9 January 2020  
Officer dealing : Mrs Naomi Waddington  
Target Date: 30 September 2019  
Date of extension of time (if agreed): 19 December 2019

**19/01507/FUL**

**Construction of a new dwellinghouse and attached double garage**  
**At: Land adjacent to Greencroft House, Bell Lane, Huby North Yorkshire**  
**For: Mr Thompson**

**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 is located to the south of Huby village at the junction of Bell Lane and Sutton Road, where on the south side there is a long unmade access track leading further south to Tall Oaks Farm, Roans House, and the properties at The Barn and within the Hollin Hill Farm site. The northern end of the access track is bound by wide grass verges to each side. The application site is located on the western grass verge adjacent to the track, immediately south of the dwelling Meadow View which fronts the highway.
- 1.2 The site is bound by a tall leylandii hedge to the north and part west boundary with Meadow View. The remainder of the western boundary is marked by a more indigenous hedge which includes a mature Oak tree protected by a Tree Preservation Order. To the west of the site is agricultural land. The south and east boundaries are open to the verge and track respectively. Further east beyond the grass verge is a detached dwelling Green Croft. The site is green and open, its character relates to the surrounding countryside.
- 1.3 Full planning permission is sought for the erection of a detached dwelling and garage. The proposed dwelling is two storeys high with accommodation in the roofspace, and an attached double garage. The dwelling is approximately 10m wide x 8.8m deep, 5.2m high to the eaves and 9.7 to the ridge. The garage is approximately 5m wide and 6.4m deep, 2.4m to the eaves and 3.8m to the ridge. Proposed materials include Heritage Blend bricks and pantile roof, with Upvc windows, aluminium bi-fold doors to the rear elevation and composite doors to the front and side elevations. A gravel driveway, parking and turning area is proposed providing a front drive to link the site to the unmade access track.

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

- 2.1 74/1240/OUT Construction of not more than three dwellings Refused 26.09.1974
- 2.2 78/1724/OUT Construction of 2 detached dwellings Refused 31.08.1978

## **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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
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  
Development Policies DP33 – Landscaping  
Interim Policy Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

4.1 Huby Parish Council – Objection summarised as follows:-

- size of dwelling too large for plot
- no agricultural occupancy need
- impact on already inadequate sewage and storm water infrastructure
- footpath to village too narrow
- site lies outside development limits

4.2 NYCC Highway Authority - Comment the proposed site is served by an existing private road which also has a Public Right of Way along it. The application site is, technically, incomplete as no connection to the public highway is shown in red as part of the application site. The proposed development does not extend the existing street, but obviously will add a certain amount of extra traffic using it. The street access onto the public highway lies on the outside of the bend along Bell Lane, but within the existing 30mph local speed limit. This access can achieve visibility splays in the order of 2.4 metres x 90 metres in each direction and forward visibility of 90 metres is available for any vehicle turning right into the street from Bell Lane. These splays generally align with recommended visibility standards in this locality and consequently no highway authority objections are raised in principle. However, the chances of meeting other vehicles on the street at or near to the junction with Bell Lane could increase, especially during the construction phase, which in turn could have an impact on vehicles entering and exiting off the public highway, and therefore it is recommended that the access off the street be extended along the site frontage to provide also for a passing place of overall width 5.0 metres by overall length 12 metres, plus tapers, and the crossing overall be constructed in bound macadam to a suitable standard to cater for vehicular activity expected.

Five conditions are recommended in relation to construction requirements for the access verge crossing; provision of parking prior to occupation; garage retention, precautions to prevent mud on the highway and onsite parking, storage and construction traffic during development

4.3 Yorkshire Water – recommend conditions in relation to separate systems of drainage, and submission of details of surface water drainage works

4.4 Street Naming & Numbering - require an application

4.5 NYCC Public Right of Way - recommend Informative

- 4.6 Environment Agency - No response received
- 4.7 Environmental Health (Contaminated Land) - recommend condition requiring an assessment of risks and remediation scheme
- 4.8 Kyle & Upper Ouse IDB - No response received
- 4.9 The Ramblers Association - No response received
- 4.10 7 Representations of objection have been received summarised as follows:-
- Site is Non-Preferred land in Easingwold sub area plan
  - Crammed and cramped, positioned at an angle
  - Highway safety at junction
  - Safety concerns regarding the 2 way movement of vehicles on the narrow access track
  - Hindering movement of farm vehicles on the narrow sub-standard access track
  - Poor quality of design
  - Lack of space for children to play
  - Out of character
  - Fails to respect openness, character and landscaper quality
  - Impact upon TPO'd Oak tree on proposal plot
  - Impact on services water supply/drainage
  - Poor amenity to future occupiers caused by heavy agricultural machinery passing
  - Not village infill
  - Change to rural public right of way
  - The site is a Wildlife corridor
  - Overshadowing of windows
  - Loss of privacy

## **5.0 ANALYSIS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) Design; (iv) residential amenity; (v) the effect on the existing trees and biodiversity; and (vi) highway safety.

### The principle of development

- 5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration. The site falls outside of Development Limits of Huby. 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, Huby is defined as a Service Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Huby is considered to be a sustainable community where the principle of development under the IPG will be supported and therefore the proposed development satisfies criterion 1.

#### 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 provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. Paragraph 170 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside.
- 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". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the main built up part of the village. 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."  
"The coalescence of settlements... should be avoided to protect their individual

character and identify.” “Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contributes to the character and appearance of the area.” “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 The application site is outside of the main part of the village, does not have a road frontage, and forms part of a grassland gap surrounding an access track between existing dwellings. The proposed dwelling is to be sited facing the private access track. Its siting is not characteristic and is further exacerbated owing to the location of the development on the edge of the village, a site which is considered to have more in association with the open countryside surrounding the village, than the built up area of the village. The existing built form in this location is sporadic and located between the more comprehensive built forms of Huby village to the north and the established ribbon of development further east on Skates Lane. The proposal is considered to result in the incremental erosion of the open character of the countryside, having a detrimental impact on the openness of the surrounding rural landscape and would lead to the coalescence of the built form of Huby and Skate Lane. The current gap in the streetscene provides glimpses to open countryside which will be lost by the siting of the dwelling.
- 5.9 It is considered that the proposed residential development of this site would have a detrimental impact on the openness of the surrounding rural landscape. The development is also considered to be harmful to the character and form of the village. The development fails to accord with the requirements of the Interim Policy Guidance and is contrary to LDF Policies CP16, CP17, DP30, and DP32.

### Design

- 5.10 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.”
- 5.11 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.
- 5.12 The National Planning Policy Framework Planning 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.
- 5.13 The Design & Access Statement advises Huby comprises a mix of dwelling types, styles and age, and that the proposed dwelling reflects the design of the immediate locality, is of appropriate scale in the landscape to harmonise with existing adjacent built form, is of a traditional built form, and uses materials local to the area. It advises scale and massing is sympathetic, and the dwelling is positioned in a recessed position, in line with those to each side, and does not adversely affect neighbours.
- 5.14 The architectural styles in the locality are mixed, particularly outside of the Development Limits where more modern development, through the redevelopment of old dwellings and barn conversions prevail. However, the height and design of the proposed dwelling do not pay adequate account to the local character. The proposed

dwelling is three storeys high with accommodation in the roofspace. The height, and associated mass, appears out of character with surrounding properties, which are of more traditional two storey proportions. In addition the four rooflights on the front elevation is excessive, the fenestration to the rear elevation is unbalanced with excessively large dormer windows above but not aligned to smaller windows at first floor level. The chimney is external to the gable and excessively large not characterful of the area where chimney is internal to the gable wall, and the double garage is smaller in width than that recommended by the North Yorkshire County Council's highway guide to accommodate parked cars.

- 5.15 The existing high boundary vegetation to the north and west would be unaffected by the development retaining a level of screening between the adjoining gardens. In contrast, there is no landscaping proposed to the south and east facing boundary lines of the gardens which would have otherwise provided screening of the private garden space from the access track.
- 5.16 The design of the proposed dwelling fails to accord with the requirements of LDF Policies CP17 and DP32 and is consequently contrary to the Interim Policy Guidance.

#### Residential amenity

- 5.17 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.
- 5.18 The proposed dwelling is located adjacent to Meadow View which has ground floor and first floor clear glazed windows in its south side gable facing the application site. There is a drawing discrepancy whether the floor plan shows a small window to the north west side elevation of the proposed dwelling, serving an ensuite bathroom, which is not shown on the elevation. In order to prevent overlooking between windows, the ensuite window can be either obscure glazed and non-opening, or sited to the rear elevation of the dwelling.
- 5.19 The proposed single storey garage is closest to the joint boundary with Meadow View, with the proposed two storey element of the proposed dwelling located further away. A tall hedge is located along the joint boundary. There is a separation distance of approximately 6.5m from the proposed garage and the south facing ground floor windows of Meadow View, and given this ground floor window of Meadow View faces a tall hedge, the proposal is not considered to have a significant overbearing or overshadowing impact upon the ground floor of Meadow View. There is a separation distance of approximately 12m from the proposed two storey section of the proposed dwelling and the neighbours' first floor windows. This 'side elevation to side elevation' is off set in terms of position and orientation and the distance is not considered to result in material overbearing or overshadowing impacts. There may be some overshadowing of Meadow Views front garden caused by the 9.7 roof height and orientation of the proposed dwelling that is to the south of Meadow View, however the rear garden of Meadow View will be unaffected, and therefore this is not considered to be sufficiently harmful to warrant refusal on these grounds.
- 5.20 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwelling, and policy DP32 (xv) requires well designed private open space to be incorporated for all buildings. The first floor clear glazed windows of Meadow View will have a direct clear view of the rear garden of the proposed dwelling, resulting in a lack of privacy and poor level of residential amenity for its occupants. The proposal fails to comply with policy DP32 and DP1.

### Effect on trees and biodiversity

- 5.21 Policy CP16 seeks to preserve natural assets, policy DP30 seeks to protect the character and appearance of the countryside, and DP31 seeks to protect natural resources including biodiversity and nature conservation. Paragraph 170 of The National Planning Policy Framework states “planning policies and decisions should contribute to and enhance the natural and local environment by... (d) minimising impacts on and providing net gains for biodiversity”. Paragraph 175 of the requires developments to avoid significant harm to biodiversity.
- 5.22 There is a mature Oak tree protected by a Tree Preservation Order located in the southern corner of the site. There is concern that the development of the site would harm to the protected tree. The submitted Ecological Impact Assessment report sets out the necessary measures to mitigate the potential negative effects of the development on biodiversity, and to secure gains to local diversity. However the long term future of the tree would be placed under pressure by future occupiers of the dwelling as the tree would so greatly dominate the garden space and cause extensive shading over the rear garden and the dwelling.

### Highway matters

- 5.23 Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The submitted Design and Access Statement states the house will have no impact upon highway safety. The Highway Authority require a passing place, 5m wide by 12m long plus tapers, to be created along the site frontage in front of the proposed site to make the single lane track safe for two way traffic. This is likely to require a reduction in size and reorientation of the proposed dwelling. It is understood the applicants’ agent is trying to find out who owns land on the opposite side of the track.

### Planning Balance

- 5.24 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. Albeit that 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. In addition no information has been submitted to demonstrate the site can be developed without harm to the protected tree, the absence of the provision of a passing place is likely to result in harm to highway safety, and future occupants of the proposed dwelling are likely to experience a poor level of residential amenity. There are no other material considerations that would outweigh the adopted LDF policies and refusal of the application is recommended.

## **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 the location does not respect the built form of Huby by proposing development where it is considered not to be organic growth of the village,

not providing a natural infill to existing development and not a natural extension to the built form.

2. All new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reasons of its site location and development form and design, 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 Hambleton Local Development Framework Policies CP17 and DP32.
3. The proposed development is contrary to Policies CP16 and DP30 of the Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the domestic character of the residential development, it would fail to respect the character and appearance of this rural countryside setting and the built form of Huby and would therefore have a detrimental effect on the immediate environment.
4. In the absence of the provision of a passing place the proposal is likely to result in congestion at the junction of Bell Lane, having an impact on vehicles entering and exiting the lane off the public highway in manner prejudicial to vehicle and pedestrian safety. The proposal would therefore be contrary to the provisions of Hambleton Local Development Framework Policy DP4.
5. The occupants of the proposed dwelling would be likely to receive an unsatisfactory level of privacy and residential amenity by reason of the relationship of the dwelling and its rear garden with the clear glazed windows of the adjacent dwelling Meadow View, resulting in direct overlooking of the proposed rear garden. The proposal would therefore be contrary to the provisions of Hambleton Local Development Framework Policy DP32, and the provisions of the National Planning Policy Framework.
6. No information has been submitted to demonstrate the site can be developed without harm to the mature oak tree which is protected tree by virtue of a Tree Preservation Order, contrary to the provisions of Hambleton Local Development Framework Policies CP16, DP30 and DP31.