

**Parish: Huby**  
Ward: Huby  
**9**

Committee Date: 9 January 2020  
Officer dealing: Mr Mark Danforth  
Target Date: 19 December 2019  
Date of extension of time (if agreed): 13 January 2020

**19/02169/FUL**

**Development of 3 three bed terraced houses with garages.  
at Land To The North Of The Forge Tollerton Road Huby North Yorkshire  
for Mr Steve Knowles.**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application is located on the western edge of the village to Huby to the north of Tollerton Road.
- 1.2 The access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber farm fencing, creating an area of 0.46 hectares.
- 1.3 The application seeks planning permission for the construction of three dwellings with landscaping, access arrangements and associated infrastructure.
- 1.4 The proposal seeks consent for 3 terraced 3-bedroom dwellings with their own front and rear garden space; a garage block to serve all three dwelling situated to the north-western corner with one space per unit.
- 1.5 One entrance is proposed with turning areas to the front and rear providing parking and turning space to enable vehicles to exit the site in a forward gear.
- 1.6 The proposal has been submitted with a Design and Access statement.
- 1.7 During the course of the application the site area has been reduced and the number of dwellings reduced from 4 to 3 by omitting the largest western-most detached dwelling.

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

- 2.1 18/01367/FUL Construction of five dwellings with landscaping, access arrangements and associated infrastructure on an area of land that includes but is larger than the current application site, refused 10 September 2018 and the subsequent appeal dismissed 18 March 2019
- 2.2 17/00585/FUL - Construction of eight house with garages and highway access on land to the east of the current application site approved 12<sup>th</sup> January 2018, the dwellings have been constructed.

## **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  
Development Policies DP1 - Protecting amenity  
Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13-Achieving and maintaining the right mix of housing  
Development Policies DP3 - Site accessibility  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP33 - Landscaping

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – no comments received; council clerk advised parish was not quorate
- 4.2 Highways - no objection, subject to conditions regarding the discharge of surface water, construction of private access and verge crossings, visibility splays, approval of details for site works in the highway, completion of works in the highway (before occupation) provision of approved turning and parking areas, a construction management plan and the amendment of the traffic order to extend the 30mph speed.
- 4.3 Contaminated Land Officer –no objections
- 4.4 Environmental Health - no objection
- 4.5 Yorkshire Water - no observation comments are required.
- 4.6 2 letters of objection-commenting as follows;

The road is extremely dangerous

The development is an extension to the previous 8, would it have received permission if it were for 12 units doubt it. This is not therefore small scale it is outside development limit by 15m.

The new housing alters the character of the village to its detriment.

The previous additions were miss-sold as much smaller and a larger quantity of affordable houses, this is not what was built! Yet more new houses will drive existing home owners out of this village and take 2 more pupils away from Huby School when numbers are already low.

- 4.7 Letter neither supporting nor objecting-"A Drainage Strategy Report was also undertaken for the previous application submitted on the site, dated June 2018. The report concludes that the development site can be drained successfully". Having read the previous application, the drainage report refers to surface water being directed to a retention basin, or pond, which was located on land which does not belong to the developer. I cannot see any alternative location for this basin, or pond on the new application and therefore I am concerned that the development will add further surface water to the land to the north and west of the development, which is already very wet.

## **5.0 ANALYSIS**

- 5.1 The main issues to consider are:
  - o The principle of development
  - o Impact upon the character of the area - including the village and countryside
  - o The mix and type of housing
  - o Design
  - o Highway safety

- o Ecology
- o Residential amenity
- o Land contamination
- o Drainage

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 principle of development**

5.2 The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "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.

5.3 However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

5.4 Huby is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.

5.5 The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

5.6 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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

5.7 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Huby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development.

## **Impact upon the character of the area - including the village and countryside**

- 5.8 With regard to the IPG, the development of 5 dwellings is identified, with the supporting text, as what will normally be the limit to what may be small in scale. The proposal is for a linear development form and the main character of the village is linear development, with dwellings on the west side of the settlement mainly being one plot deep. This extension to the eight recently built is viewed as extending that linear form of development.
- 5.9 It is acknowledged consent has been given for 8 dwellings adjacent to this site and these dwellings are complete. The IPG states small scale development adjacent to the main built form of a settlement will be supported and as a guide small scale is normally considered to comprise up to 5 dwellings. The previous consent for 8 dwellings together with this proposal would result in an additional 11 dwellings in this part of the village.
- 5.10 The detached 4<sup>th</sup> unit has now been omitted from the scheme as noted. This has resulted in the proposal not now going beyond the western extent of residential properties on the opposite side of the highway. There is a clear gap of 68 metres between the development site and Oakland's to the west. This was a concern of the inspector when dismissing the 5 dwellings previously applied for. The omission of the 4<sup>th</sup> large 4 bed unit will reduce the impact on the countryside when approaching the village; the proposed development albeit extending further into the countryside will be less harmful than the refused scheme and the original re-submission. However there will still remain a detrimental impact on the form of the surrounding countryside and the open rural character.
- 5.11 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."
- 5.12 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. The inclusion of further trees and a strong hedge line will enhance the existing tree line on the edge of Huby and mitigate the negative impacts of the new buildings this accords with LDF Policy DP33. Criteria (iv) of DP32 advises the provision of footpath links and cycle parking in line with DP3 site accessibility, the scheme proposes the extension of the footway and meets the requirements of the policy in this respect.
- 5.13 Whilst the proposal offers a woodland planting buffer, that in time will form a natural end to the village approach the scheme is a substantial addition in to the open countryside on the edge of the village, a new edge following the development approved in January 2019 as noted above.
- 5.14 Development of this site which extends the village on the northern side of Tollerton Road would have an impact on the open character and appearance of the entrance to the village. Despite the reduced scheme and the provision of further planting the scheme the proposal would not comply with the criteria of the IPG as the proposal has a significant impact upon the landscape. The site relates to the countryside beyond and not the village, the extent of building on the north side of Tollerton Road that would result extend the village by 11 dwellings is not a gradual or incremental

growth that is small in scale and is therefore contrary to CP4, CP9 and DP30 and the thrust of the Interim Policy Guidance.

### **The mix and type of housing**

- 5.15 The Size, Type and Tenure of New Homes SPD builds, on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) has been published to encourage a change in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.
- 5.16 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of:
- more smaller homes;
  - homes to meet the needs of older people;
  - some shared housing
  - specialist housing;
  - self-build;
  - a wider tenure choice
- 5.17 The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs. The proposal comprises three 3-bedroom terraced units
- 5.18 It is considered that the proposal complies with Policy DP13 due to three bedroom dwellings being of a scale that would be potentially more affordable. This is considered to overcome the housing mix reason for refusal and one which the Planning Inspector upheld in dismissing the appeal for the 5 dwelling scheme on this site.

### **Design**

- 5.19 In terms of the design of the dwellings, the village of Huby contains a variety of dwelling types and design. The proposal would add to the eclectic mix of designs along the frontage. Plot 8 (18/00550/MRC) adjacent was latterly turned 180 degrees, from the original approved scheme 17/00585/FUL for eight units. This units design was amended to a dormer bungalow, the orientation west to the countryside rather than south to the street frontage, reads as an end to the village, as if to make a statement that beyond the dwelling is countryside.
- 5.20 The properties are a terrace of three of a good standard of design, they contain a mix of features including bay windows, chimneys, front gables, porch canopies, detached garages, which provide a variety of features within the development and overall the design of the dwellings themselves is considered acceptable. The materials proposed are brick, with clay pantile, UPVC and timber painted framed windows and doors.

### **Highway safety**

- 5.21 A Highways Statement accompanied the previous application; the agents have expressed the view that given that this is a smaller scheme there would be less impact on highway safety.
- 5.22 The 30mph limit for Huby begins part way in to the site, it is therefore proposed that the 30mph zone is extended westward beyond the site. In addition, the Huby village

sign should also be relocated westward to a position before the site as an additional 'gateway' feature to help promote slower speeds when passing the site.

- 5.23 A footway along the front of the site is included in the proposals to ensure safe pedestrian and cycling access across the site and in to the village.
- 5.24 The Local Highway Authority has raised no objections subject to conditions which would be attached should the application be recommended for approval. It is considered the development is acceptable in highway safety terms.

### **Affordable housing**

- 5.25 The site is not required to provide affordable housing as the proposal is below the threshold for either a commuted sum or on-site provision. The site is in separate ownership to the adjoining one, there is no evidence that there has been subdivision or other deliberate actions to avoid liability for the provision of affordable housing.

### **Ecology**

- 5.26 The Ecological Impact Assessment from the previous proposal is also being used for this application although the previous report is over a year old it is considered that the results would be unlikely to have changed and is suitable for the purposes of this application.
- 5.27 The previous report advised 'It was found that the development will result in the loss of semi-improved grassland. However, hedgerow boundaries are not species rich. No records are evident of great crested newts (GCN) within 2km. Four ponds exist within 500m of the proposed development. Pond 1 and 2 are separated from site by a main road. Ponds 3 and 4 were assessed with Habitat Suitability Index (HIS), both classified as 'below average' suitability'.
- 5.28 Bat and bird boxes are recommended to be installed on site to provide suitable new bat roosting and bird nesting opportunities. The gapping up of hedgerows was recommended with native hedgerow species. The current fence boundaries will be planted up with native species, which will increase bird nesting and foraging potential for bats.
- 5.29 Officers consider that all ecology considerations were considered acceptable under the previous application and therefore, the same would apply for this application.

### **Land contamination**

- 5.30 The developer has submitted a Phase 1 investigation assessment and the Contaminated Land officer has no objections to the scheme.

### **Drainage**

- 5.31 Reference to drainage has advised the site is in Flood Zone 1 and is not considered to be at risk of fluvial flooding. Foul water flows will be connected to the public foul sewer in Tollerton Road. Yorkshire Water has not made any comment in regards to this. Surface water from the development will be disposed of by either an infiltration system or to the watercourse, at restricted flow. This could be conditioned if minded to approve.

### **Planning balance**

- 5.32 The development would give provide three modestly sized new dwellings in a location that is considered to have access to services would give rise to social gain by the provision of new homes and, would have a small economic benefit through the construction and subsequent spend of residents. However the proposal would result in a cumulative growth of the village that would erode the countryside and this harm is not outweighed by the benefits. The proposal is therefore contrary to the LDF and NPPF policies as set out in this report.

**RECOMMENDATION:**

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

1. The proposed residential development is located outside Development Limits. The proposed scheme would extend the built form of the village into the open countryside, causing a physical and visual intrusion into the openness of the area. The proposal is considered to be detrimental to the surrounding open rural character of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP4, DP9 and DP30 together with Council's Interim Policy Guidance (IPG).