

**Parish: Husthwaite**  
Ward: Raskelf & White Horse

Committee date: 15 October 2020  
Officer dealing: Mr. M. Pearson  
Target date: 22 October 2020

**4**

**20/01426/OUT**

**Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath**

**At OS Field 8464, Highthorne Lane, Husthwaite**

**For Daniel Gath Homes**

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

## **1.0 Site, Context and Proposal**

- 1.1 The site is located on the south side of Highthorne Lane to the south of Husthwaite and immediately adjacent to the boundary of the Husthwaite Conservation Area. The 0.47ha site sits in the north-east corner of a larger agricultural field that rises to the higher ground to the south. In addition, only the northern boundary of the site adjacent to Highthorne Lane is defined by intermittent hedgerows and trees, whilst the remaining boundaries are open to the wider field. A public bridleway runs along the eastern boundary of the application site and a public footpath runs along the western edge of the field and this continues north towards the village. Adjacent, to the north-east boundary is a triangular shaped grass verge that contains a number of mature trees.
- 1.2 The site is surrounded to the south and west by agricultural land that forms the rural context to the village. Further to the west is the Grade II listed Highthorne Farmhouse and the complex of farm buildings that sit on the higher ground above Highthorne Lane. Opposite the application site on the north side of Highthorne Lane are a variety of late twentieth century two storey detached dwellings, generally constructed in brick with pitched concrete pantile roofs. The properties are set back from the highway behind modest front gardens and are accessed via a driveway that leads to garaging. To the east, beyond the bridleway, located at the junction of Highthorne Lane are two late twentieth century detached two storey dwellings (Alford House and Drake House) that are set in generous grounds and are constructed in brick with a concrete pantile roof.
- 1.3 The application is in outline form, the only matter that is not reserved for later approval is "access". The details are shown on an indicative site layout plan. This illustrates a proposal to provide five detached dwellings with garaging sat on the northern edge of the field. Each home would be accessed via individual driveways. The indicative mix is – three x two bedroom bungalows, one x three bedroom two storey house and one x five bedroom two storey house. The two storey dwellings would be at the east end of the site whilst the three bungalows would be to the west. An illustrative landscape plan also accompanies the application submission.

## **2.0 Relevant Planning History**

2.1 No relevant planning history.

## **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 Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP28 - Conservation  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework  
Size, Type and Tenure of New Homes SPD - adopted September 2015

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

Policy S 1 - Sustainable Development Principles  
Policy S 3 - Spatial Distribution  
Policy S 5 - Development in the Countryside  
Policy S 7 - The Historic Environment  
Policy HG 2 - Delivering the Right Type of Homes  
Policy HG 5 - Windfall Housing Development  
Policy E 1 - Design  
Policy E 2 - Amenity  
Policy E 3 - The Natural Environment  
Policy E 5 - Development Affecting Heritage Assets  
Policy E 7 - Hambleton's Landscapes  
Policy CI 1 – Infrastructure Delivery  
Policy CI 2 - Transport and Accessibility  
Policy RM 2 - Flood Risk  
Policy RM 3 - Surface Water and Drainage Management

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 Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

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 to which only limited weight can be afforded.

## 4.0 Consultations

### 4.1 Husthwaite Parish Council – The Parish Council made the following detailed comments, verbatim:

This proposed development is outside of Husthwaite's Development Limit and therefore the Parish Council is unable to support the application.

That said, the Parish Council acknowledge that Husthwaite is designated a Service Village in the 2014 Settlement Hierarchy and understand that in the Interim Policy Guidance, small scale development (up to 5 dwellings) adjacent to the main built form of a settlement will be supported as long as it respects and reflects the unique character and built form of the village.

Therefore, if Hambleton District Council is minded to approve this application, Husthwaite Parish Council would request that the following conditions be met:-

- The development **must** support the unique character of Husthwaite and only be allowed in a linear arrangement along Highthorne Lane.
- The development **must** replicate the character and appearance of neighbouring dwellings and be of a similar density, so there should be a **maximum** of five good quality detached properties.
- Highthorne Lane **must** be widened to accommodate the access / egress points to the new properties (with appropriate site lines) as well as the extra traffic that these properties would generate.
- All new properties **must** have sufficient off-street parking.
- A detailed Construction Maintenance Plan **must** be in place **before** development starts, with relevant conditions agreed for construction traffic, storage of materials, vehicle parking, etc.

In addition Husthwaite Parish Council would like an assurance that further development will not take place in the rest of this field and would like to see highway improvements to the rest of Highthorne Lane.

- 4.2 NYCC Highways Authority – No objection but recommend conditions regarding the provision of public footpath along the site frontage, the widening of Highborne Lane, turning and parking areas, visibility splays, verge, access details, on-site parking, and on-site storage and construction traffic during development.
- 4.3 NYCC Footpaths – No objection.
- 4.4 Yorkshire Water - No objection but recommends a condition relating to separate systems for foul and surface water disposal.
- 4.5 Ramblers Association – Observations as noted below:

When coming south from Flower of May towards Alford House one reaches the crest of the hill and sees the field and houses on the north side of the Highborne Lane, which appear to sit in the landscape. We believe houses (or preferably only bungalows) would have a greater impact on the landscape.

This lane constitutes a natural limit to the village, with a few trees where the bridleway meets the lane.

We believe the tree on the south side of the lane, where the road narrows, is worth keeping. Should you agree to this application we would ask that you condition hedging rather than fencing to the boundaries of the site, including a selection of local native trees within the hedges to reduce the impact.

- 4.6 MOD – No objection but notes as this an outline application and in light of the development falling within Statutory Safeguarding Zones, precise detail will be required at Full Planning/Reserve Matters stages relating to the height of the dwellings and specific detail regarding the landscaping/SUDS scheme in order to carry out the required assessments.
- 4.7 Site notice and Neighbour Notification – 9 observations in support of the proposal and 2 neutral comments as summarised below:
- Local developer who takes on local apprentices and has reputation for building good quality homes.
  - Small scale sustainable growth has happened for generations and should be encouraged
  - The proposal would site well with the mimicking the houses opposite and is good location for growth of the village
  - Bungalows would limit the visual impact of the development and would provide a much needed typology for the elderly who may wish to downsize and remain in the village
  - New residents would contribute to the vitality of the village through use of the pub, village hall, school and church

40 observations objecting to the proposal as summarised below:

- No justified need for the development when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM)
- Impact on open countryside and loss of a field of a fine shape and form that represents the undulating countryside in the area
- Proposal not in keeping with surrounding

- Loss of agricultural land
- Will set precedent for further development within the field and along the lane
- Highways concerns relating to narrow single track lane, conflict with walkers, cyclists and horse riders
- Loss of possible ancient hedgerow, trees and impact on wildlife
- Concern about the levels of Radon Gas in the village
- No affordable housing proposed
- No consultation with the local community and does not comply with Husthwaite Parish Plan (2006)
- Impact on the Husthwaite Conservation Area and the ANOB
- Possible impact on line of probable Roman road between Malton and Aldborough
- Loss of part of a medieval field system
- Impact on tourism
- Have Natural England been consulted - Bio-diversity, scientific interest or area of special conservation.

## **5.0 Analysis**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village; (iv) residential amenity; (v) highway safety and (vi) flood risk and drainage.

### **Principle of Development**

- 5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Husthwaite within the sub category of "Service Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- i. Development should support local services including villages nearby;
  - ii. Development must be small scale, reflecting the existing built form of the settlement;
  - iii. Development must not have a detrimental impact upon the natural, built and historic environment;
  - iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
  - v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
  - vi. Development must conform with all other relevant LDF policies.

- 5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Husthwaite is considered to be a service village. Whilst it is noted some public comments state that the village shop has closed recently and the Public House is now on the market, Husthwaite is still considered to be a service village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Husthwaite is allocated as a Service Village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

### **Housing Size, Type and Tenure**

- 5.4 With regard to the scale of the development, the proposal for five dwellings is considered to be appropriate to satisfy the requirements of the IPG. The indicative details show three x two bedroom bungalows, one x three bedroom two storey house and one x five bedroom two storey houses. This mix would provide 80% - 20% ratio in favour of the required smaller two and three bedroom properties which is considered to be acceptable. On the basis of the indicative details the mix is considered to be satisfactory and would generally accord with the SHMA and therefore the housing mix requirements contained within LDF Policy DP13. With regard to the emerging Local Plan the proposal would satisfy Policy HG2 as the indicative mix reflects the need for smaller dwellings noted within the SHMA. This mix would be able to be conditioned should the application be approved.

### **Character of the Village**

- 5.5 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village. Husthwaite developed as a village laid out around an east/west main street with an access route from the south that connects to the centre of the village. The development pattern followed a linear approach with a variety of building types and forms positioned on both sides of these principal routes. On the secondary lanes around the village development is generally isolated and limited to farm complexes and individual properties. The application site is located on a secondary lane and sits opposite a short run of five detached houses constructed in the late twentieth century that are not considered to be reflective of the historic pattern of development within the village. The indicative site layout drawing indicates that three of the dwellings would be bungalows. The proposed juxtaposition of the dwellings would be suburban in character which does not reflect the built form of the village. Whilst the established character of this short section of the lane is that of ribbon development, it is considered inappropriate to add to the incongruous form of development on the south side of the lane. On this basis the proposal is not considered to satisfy criterion 2 of the IPG. It does not take into the account the character, setting, local identity or local distinctiveness required by design policy DP32 of the LDF or the integration of landscaping required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy the relevant parts of Policies S1, HG5, E1 or E5.
- 5.6 Criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The application site is located adjacent to the Husthwaite Conservation Area which is focused around the historic village core along High/Low Street and extends south along The Nookin. The site forms part of

the wider rural setting to the village and is therefore considered to contribute to the significance of the designated area. The development of part of a field enclosure that positively contributes to the setting of the village and is visible from public highways and public footpaths, both within and on the approach to the designated area, is considered to cause harm. In addition, it is considered that the single storey form of the proposed bungalows together with the linear layout fails to reflect the character of development within the wider village. In terms of section 16 of the NPPF the level of harm is considered to be “less than substantial”. On this occasion the identified harm is not considered to be outweighed by any public benefit, being in the most part the provision of new homes, including the provision of bungalows and wider economic benefits from development. It is noted that the site is located a significant distance to the west of the Grade II listed Highthorne farmhouse and given the separation distance, intervening buildings and landscape it is considered that the proposal would not impact on the setting of this heritage asset.

- 5.7 On the basis of the above it is considered that the proposal would not satisfy criterion 3 of the IPG and the impact of the proposal on the setting of the conservation area would not satisfy the requirements of section 16 of the NPPF or protect the conservation area in accordance with Policy DP28 of the LDF. In terms of the emerging Local Plan the proposal would not satisfy Policies HG5 and E5.
- 5.8 A number of observations relate to the loss of the agricultural land but it is noted that only a relatively small area would be lost on this occasion and therefore this loss is considered acceptable. The submitted Habitat Survey and Ecological Survey notes that there are no protected species on the site and the hedgerows within the site are not considered to form part of a pre-1600 estate/manor or form an integral part of a pre-parliamentary field enclosure. However, the proposed individual driveways results in a significant proportion of the hedgerow to be lost. Furthermore, the required road widening and provision of a footpath is likely to result in the loss of the hedgerow. On this basis the proposal is not considered to satisfy criterion 3 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30, nor take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF or the integration of landscaping also required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy Policies HG5, E3, E5 and E7.
- 5.9 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The site is located on the south side of the lane defined by a single field enclosure on rising ground that sits behind a hedgerow and the undulating topography which the field enclosure forms part of is considered to be important to setting of the village. In views from Highthorne Lane and The Nookin the development would read as an obvious anomaly within the landscape and would be incongruous to the character of the south side of Highthorne Lane. The landscape impact is further compounded by the opportunity for short distance views across the site from the adjacent public bridleway immediately to the east and medium distance views from the public footpath that runs along the western edge of the field enclosure. In addition, limited longer distance views towards the site are

possible from the public footpath to the north-west. In these views the proposed development would be clearly read as sitting to the south of the existing built form of the village. On this basis the proposal is not considered to satisfy criterion 4 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30 and it does not take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF. In terms of the emerging Local Plan the proposed development would not satisfy Policies HG5, E1, E5 and E7.

### **Residential Amenity**

- 5.9 Given the separation distance from the properties to the north and east the proposal is not considered to raise any overlooking concerns. On the basis of the above it is considered that the proposals do not raise any amenity concerns to the surrounding properties to the north or east and would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

### **Highway Safety**

- 5.10 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. It is noted that NYCC Highways Authority recommends conditions regarding the provision of a public footpath along the site frontage and the widening of Highborne Lane. This illustrates that the development is not capable of being accommodated within the existing infrastructure of the village and thus would not satisfy criterion v). In any event, the provision of a footpath and road widening is not considered to be an appropriate design response in this location. The proposal would in effect provide a footpath that is not able to connect to existing provision within the village and the localised widening is likely to result in the loss of the grass verge and hedgerow which would have a negative effect on the character of the area. On this basis the proposal is not considered to satisfy Criterion 5 of the IPG, although it is noted that on the basis of the ability to impose conditions relating to highway safety, the application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would not satisfy Policies CI 1 or CI 2.

### **Flood Risk and Drainage**

- 5.11 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.12 The scheme is proposed to drain foul water to the public sewer and for surface water to go to soakaway or other sustainable drainage system. No detailed drainage layout has been provided. However, it is noted that Yorkshire Water raises no objection subject to the provision of separate foul and surface water provision. This can be controlled by a suitably worded condition and therefore the proposal is not considered to raise any flood risk or drainage concerns. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

## Other Matters

- 5.13 Public observations have been made regarding the levels of Radon Gas in Husthwaite. This is not a planning matter and is controlled by other legislation. A public comment has been submitted that refers to the impact of the proposal on the line of a Roman Road. Research shows that a Roman Road may follow Malton Road. NYCC Heritage Services have no records for a Roman road in this area and cannot verify the comments from the member of the public in this instance. A further public comment has been received regarding the potential for the development to impact on tourism. Whilst it is acknowledged that the site is located adjacent to a popular walking route, given the application is for residential development, it is not considered that the proposal would impact on the use of the footpath to such an extent to impact on tourism within the village or wider district.

## Planning Balance

- 5.14 Whilst the site is considered to be in a sustainable location in principle, the dwellings proposed on this site together with the required road widening are considered to result in a harmful impact on the character of the area and the setting of the adjacent Husthwaite Conservation Area. In accordance with section 16 of the NPPF the level of harm to the designated area is considered to be “less than substantial” and on this occasion the identified harm is not considered to be outweighed by any public benefit. Whilst there are considered to be no harmful impacts in terms of highway safety, flood risk or local residential amenity the benefits to the local economy and through the provision of additional housing, is not considered sufficient to off-set the harmful impacts.

## 6.0 Recommendation

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

The proposal would result in a loss of openness of the countryside which contributes to the setting of the village and the Husthwaite Conservation Area. Furthermore, the proposed residential development would be incongruous and have a harmful impact on the character and appearance of the settlement and the setting of the Husthwaite Conservation Area. The proposed development is considered to fail to meet the requirements of the Council's Interim Policy Guidance, LDF Policies DP28, DP30, DP32 and DP33, and Section 16 of the NPPF.