

15/02079/FUL

Proposed construction of a 4 bedroomed dwellinghouse and detached garage at Land at The Ruins, Catton Village Street, Catton for Mr Ray Ballard

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located within Catton, a small village made up of around 35 houses and some extensive farm buildings, and to the south of an area shown on Ordnance Survey maps as "The Ruins". It lies to the rear of a "Swale Reach" a bungalow fronting Catton's main street. The site includes a section of a private track which also serves other houses and provides access to another dwelling, "The Chevins", to the rear which in turn adjoins the Swale.
- 1.2 The site is laid out in grass and is roughly rectangular in shape, with timber post and rail fencing. A bank of tall trees forms the western boundary with The Chevins. A narrow area of paddock (about 15m wide) separates the site from the barn buildings of The Ruins to the north, which have recently been approved for conversion to 6 dwellings.
- 1.3 The proposed dwelling would have a floor area of 222 sqm, with four bedrooms in an attic area. The building would be orientated east-west, with the front of the house facing east, towards Swale Reach. A separate double garage would be sited between the new house and the southern boundary of the site, abutting the private track. The garage would open out onto a paved forecourt area in front of the house. Access would be via this private track to the village street.
- 1.4 There are no significant services within the village. Residents therefore rely on local services available in Topcliffe, Carlton Miniott, Thirsk and other centres for varying degrees of support. The village is located approximately 4.5km to the north west of Topcliffe (hosting a local primary school, surgery, Church, local shop and two pubs) and approximately 6km south of Thirsk, the Service Centre for the area. The village has no bus service.
- 1.5 Catton is within the "Other Settlements" grouping in the revised 2014 Settlement Hierarchy and has no defined Development Limits. The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the Swale, the site is not located in within an area at risk of flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history in relation to the site.
- 2.2 However, planning permission was granted for the conversion of barns at Catton Farm, the "Ruin" to the north of the site, to form 6 dwellings (13/02323/FUL, granted 11 March 2015). That permission has not yet been implemented.
- 2.3 Concurrent applications 15/01559/OUT (Village Farm) and 15/02519/FUL (8 Catton Village Street) also propose housing within the village and some issues regarding the sustainability of Catton are common to all three applications.

3.0 NATIONAL AND LOCAL POLICY

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Catton Parish Council - Strongly object to the proposal. Catton is a small hamlet with no services. The roads into and out of the village are also single track and liable to become congested.
- 4.2 Highway Authority - No objections raised, but conditions are recommended in the event of planning permission being granted.
- 4.3 Ministry of Defence - No safeguarding concerns.
- 4.4 Yorkshire Water - No response received.
- 4.5 Environmental Health Officer - No objections.
- 4.6 The application was publicised by letter and a site notice. Four letters of objection have been received from local residents in Catton, expressing the following concerns:
1. The site is land locked on all four sides by other properties with the only access via a private lane which is maintained by the applicants;
 2. The property will be overlooked from the south, east and north (if the barns at The Ruins are converted as approved). The property itself will overlook those properties around it leading to loss of privacy;
 3. Both the construction and occupation of the house will lead to adverse impacts upon noise and disturbance;
 4. There will be inadequate access for construction, with likely damage to the lane itself, as well as parking issues from the builders and contractors etc.;
 5. The village has limited amenities to serve new houses;
 6. There is no need for the property to be built;
 7. The development will adversely affect the local ecosystem and lead to the loss of

- precious greenspace in the village. The site would be best turned into a pond;
8. Loss of healthy trees;
 9. The site is 'back fill' and not 'infill', and should be refused on this basis;
 10. The roads into and out of the village are narrow single-track lanes, which are already congested. The proposal would worsen this situation and lead to congestion;
 11. The plans do not show services;
 12. No facilities to house oil or gas storage are shown;
 13. There is no specified period of construction. This should be specified and enforced;
 14. The land slopes down from the access track. If the building is built at the level of the access track it will be higher and lead to further loss of privacy, and a more dominant building;
 15. The proposals will adversely affect drainage as the track slopes back down to the highway, leading to surface water runoff;
 16. The land has been used since 2012 - it was used to graze sheep up until May 2015;
 17. Previous proposals at this site have been refused. Nothing has changed so the same should happen again; and,
 18. Drains have not been shown on the plans and the capacity of existing drains has not been shown. It is questionable whether the drains will be sufficient to cater for the demands placed upon them by new housing.

5.0 OBSERVATIONS

- 5.1 The main issues with this proposal are (a) the principle of the development in the village; (b) its likely impact on the character of the village; and its likely impact on (c) residential amenity; (d) access, parking and highways; (e) service capacity and (f) flooding.

Principle

- 5.2 Catton is a small village consisting of around 35 dwellings. It has no shops or services and the village is not served by public transport. There are also no surfaced footways or footpaths into and out of the village. It has no development limits and is therefore classed as being situated in the countryside for planning purposes.
- 5.3 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations, which generally precludes new residential development unless one of 6 specific exceptions is considered to apply. These are:
- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi. It would support the social and economic regeneration of rural areas.

None of these exceptions is claimed by the applicant and therefore, if the application were determined in accordance with the development plan it would be found

unacceptable.

5.4 However, following the publication of the National planning Policy Framework (NPPF) in 2012, the Council has adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements through consistent decision making. 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 Catton within the sub category of "Other Settlements". The IPG states "Small scale housing development (i.e. normally up to 5 houses) 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."

5.5 The IPG allows for development in Other Settlements by reference to the concept of Cluster Villages:

"Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".

5.6 By reason of its scale and siting, and with one exception to be considered below, the proposal is considered to broadly meet the requirements of criteria ii to v above: the application proposes a new dwelling that would be of a similar height and proportion to others nearby; there are no heritage assets in the vicinity; the site is located well within the contextual bounds of Catton and the only countryside aspect is to the west, which is screened by tall trees as it gently slopes down to the river Swale, about 80m distant. Furthermore, whilst confirmation is yet to be received from Yorkshire Water, there is no reason to suspect that existing infrastructure could not cope with as additional dwelling. This analysis takes account of the requirement of IPG criterion ii that "Development must be small scale, reflecting the existing built form of the settlement". In considering this it is appropriate to consider permissions that have been granted and still capable of being implemented (i.e. the conversion of barns at Catton Farm to form 6 dwellings under permission 13/02323/FUL) and the concurrent applications listed in paragraph 2.3. Bearing in mind that the Catton Farm scheme re-uses existing buildings and the Village Farm proposal would replace large buildings with smaller ones, it is not considered that the cumulative growth would be harmful to the character of the village.

- 5.7 The principle issue to be determined relates to criterion i (above), which only allows new development outside Development Limits (and thus anywhere in Catton) if it supports local services and can be considered to be part of a wider understanding of limited, sustainable development. In this respect the IPG brings forward the concept of 'Cluster Villages', where two or more settlements enjoy a collective level of shared service provision contributing to a sustainable community and are linked by convenient public transport, walking or cycling. Integral to this are (a) the ease and sustainability of travel between settlements and (b) the collective availability of services and facilities within them.
- 5.8 The IPG's definition of Cluster Villages, quoted in paragraph 5.5 above, indicates that Catton could form a sustainable cluster with a sufficiently close Service Village or Secondary Village or with smaller villages if they share sufficient facilities and services. In each case, this is subject to there not being significant distances (the IPG defines this as "approximately 2km") or barriers (in this case, the river) between settlements.
- 5.9 The only settlement within approximately 2km is Skipton on Swale. However, it and Catton do not have sufficient facilities and services to form a sustainable cluster. The closest village with sufficient services and facilities to support a sustainable community is Topcliffe, a Service Village in the Settlement Hierarchy. It is only realistically accessible from Catton by unlit single-track roads, including stretches that are at times prone to flooding. Whilst Topcliffe has a local shop, 2 pubs, a primary school, surgery and church, there are no cycle paths, footpaths or bus routes linking the two villages. Crucially, the distance between the two by road is approximately 4.5km, more than double the maximum acceptable separation allowed for in the IPG.
- 5.10 For this reason Catton is not considered capable of forming a sustainable community within the meaning of the IPG and the proposal is not supported by it. The proposal therefore falls to be considered under Policy CP4 and as noted in paragraph 5.3, the proposal does not benefit from any of that policy's exemptions to the strict control of new housing outside Development Limits. The principle of development is therefore contrary to the Development Plan, is not supported by the IPG, and is therefore considered to be unacceptable.

Character

- 5.11 Catton is largely made up of largely detached houses and bungalows of mixed styles, with some semi-detached, built across the 18th, 19th and 20th centuries. The village is primarily a linear settlement, with the application site lying within an area that departs from this pattern. The access track leads to The Chevins, approximately 100m from the Village Street and Bramley House lies on the southern side of the track, to the rear of 1 and 2 Catton Village Street.
- 5.12 The Chevins is not apparent in views from the Village Street and it is acknowledged that the proposed dwelling would be largely obscured in views by Swale Reach, as Bramley House is by numbers 1 and 2. Nevertheless, and being mindful of its design and orientation relative to Swale Reach, it is considered the development would be in tandem form and thus uncharacteristic of the village. This is the exception referred to in paragraph 5.6 and for this reason the proposal does not fully accord with LDF policies CP17 and DP32, both of which expect new development to respect local character and distinctiveness.

Residential amenity

- 5.13 The house would be sited some 28.5m to the west of the bungalow at Swale Reach, diagonally 27m to the northwest of Bramley House, and 40m to the north east of The

Chevins. Given the siting and design of the proposed house, it is not considered that this would lead to any adverse impacts upon the amenity of these neighbours in respect of light, privacy or outlook. However, to the north, the situation is less clear. The barns at The Ruins are sited 17m from the northern gable of the proposed house. These barns have planning permission for conversion into residential units (as yet implemented). Whilst it is unlikely the new house would harm outlook or light at these properties, there would be an uncomfortable relationship in terms of privacy, due to the position of a first floor window serving the proposed master bedroom suite in the proposal, which directly faces these barns. This could be overcome with the installation of obscure glazing to this window, but this would likely necessitate the addition of either a dormer window or roof lights to allow for sufficient light and outlook from this bedroom. This issue has not been pursued because of the conflict in principle and it would need to be resolved if planning permission were to be granted. Therefore it currently forms a reason for refusal.

- 5.14 Despite the concerns raised by some local residents, it is considered highly unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Noise would clearly be a feature of the construction period, but the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted.

Access, parking and highway impact

- 5.15 The site would have 2 parking spaces set out within a garage and space for visitor parking within the forecourt area. It is therefore unlikely that the proposal would lead to cars being parked on the private track or the public highway, and parking is therefore considered to be acceptable. The proposal would have no adverse impacts upon highway safety or the free flow of traffic. The Highway Authority has been consulted and has expressed no objection to the proposal, subject to conditions.
- 5.16 The access is a private track which connects directly into the Village Street. This already serves 4 dwellings (it provides parking to the rear of 1 and 2 Catton Village Street) without any known adverse issues, and it is unlikely that the limited additional traffic generated by the current proposal would be noticeable. Some residents have expressed concerns over the likelihood of damage occurring to the surface of the lane during the construction period, but as the track is a private access this is a matter for the owners and users to resolve.

Services and utilities

- 5.17 Catton is served by all services but is not on the gas network. Yorkshire Water has been contacted about the proposal but is yet to respond. Notwithstanding, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed new dwelling.

Flooding

- 5.18 The land is located within approximately 80m of the River Swale to the West. However, the site here is raised to a point that it is entirely situated within Flood Zone 1, and is therefore not liable to suffer from flooding.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed new dwelling would be located in a village that is identified as an 'Other

Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Catton and Skipton on Swale, the only close settlement, and the excessive distance to the nearest Service Village at Topcliffe, it is considered that Catton cannot form part of a sustainable 'cluster' as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4 and DP9 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2014).

2. The proposed development would create a dwelling in a position that would be in tandem form and thus uncharacteristic of the village and contrary to the provisions of the Hambleton Local Development Framework Core Strategy Policies CP17 and DP32 that seek to achieve the highest quality of design, a standard that is not reached by this proposal.
3. The proposed new house, due to the proposed window serving the first floor master bedroom (north elevation), would be likely to adversely affect the privacy of neighbours to the north, should this land be developed as housing in accordance with planning permission 13/02323/FUL granted by the Local Planning Authority in March 2015. As such, the proposal would jeopardise the development of land to the north of this site by virtue of its impact upon amenity, contrary to policy DP1 of the Development policies DPD (2008).