

Parish: Maunby
Ward: Morton on Swale
6

Committee Date: 3 March 2016
Officer dealing: Mrs H M Laws
Target Date: 11 March 2016

15/02337/OUT

Outline application with all matters reserved for the construction of a single detached dwelling as amended by plan received by Hambleton District Council on 16 December 2015

**at Land adjacent to Church Cottage, Maunby
for Mr James Hill-Walker.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies in the centre of the village on the north western side of the village street. The land is a field currently used for grazing. The site is set back from the edge of the highway and is separated by the memorial village green. The application site includes a strip of land (3.5m wide) at the eastern side of the village green, immediately adjacent to the boundary with the property known as Church View Cottage. This strip of land connects the field with the highway.
- 1.2 It is proposed to construct a detached dwelling on the site. The application is an outline application with all matters reserved. An indicative elevation and layout drawing of a single storey dwelling with access across the village green, has been submitted.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None

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 CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
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 DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - wish to object to this planning application as to carry out the works, they would have to go over the village green

4.2 NYCC Highways - The submitted site plan shows an existing access across land which is registered as village green. This access has no formal construction and there is little evidence of use. Visibility is very restricted in a north easterly direction by the hedge on the frontage of the neighbouring property which is not within the applicant's control. Initially the available visibility was assessed at 6 metres and refusal was recommended. This has been superseded by a recommendation of approval subject to conditions, following a speed survey, carried out to demonstrate that a reduced visibility splay can be applied and improvements to visibility can be achieved.

4.3 Yorkshire Water - no comments.

4.4 Public comment - objections have been received from 5 local residents, which are summarised as follows:

- The verge referred to in the application is in fact the village memorial green
- The only access across the land is for occasional agricultural use
- The site is not an infill site
- The village has grown organically along the main road but villagers left a natural gap, now the memorial green and paddock between Church View Cottage and the dwellings at The Row
- The area in question has a natural, built and historic past which should be preserved and which would be seriously and detrimentally affected by any developed right of access across the memorial green or presence of building in the paddock
- The development would conflict with the principles of the Interim Policy Guidance
- The general linear form of the village building line has so far been preserved in that no dwelling is built to the rear of any other structure and each fronts onto the main street. Building in the paddock places any building to the rear of the memorial green and to the rear of the building line of both The Row and Church View Cottage. It would not therefore fit with the linear development of the village or reflect the character of the village.
- Infilling will essentially block-in an important gap left in the building line; the gap contributes greatly to the rural character and appearance of the village.
- The paddock has an elevation approximately three feet above Church View Cottage and the proposed dwelling is shown as 1.2m from the boundary of 1 The Row. The view of the open countryside would be spoilt by the proposed development
- This development would be both overbearing and overlooking
- The green is enjoyed as a playing area
- It seems designed as a precursor to additional construction to the rear of Church View Cottage
- Properties such as Acacia House presently enjoy an open outlook and the proposed development could be seen as being harmful to the amenities of the occupants
- Vehicles crossing the access would have an overbearing impact on the neighbouring property compared with the generally peaceful ambience which these properties presently enjoy
- Access to the neighbouring property's east facing garage gable wall will be compromised.
- The limited visibility is down to fencing and hedgerow to the north east of the green, which is the ownership of Church View Cottage. My intention is for the hedge to grow to the height of the fence masking it from view.
- The agent also suggests that to achieve extended views the hedge could be reduced in size. As already identified by Highways the applicant has no control

over this and I am not about to reduce the height of my hedge, in due course it will be allowed to grow to the full height of the fence.

- That local residents, visitors to the village and the church park daily on this piece of the highway. There are no restrictions and it is not uncommon for parked cars to be in situ from The Row, past the green and beyond my house and they are usually parked on the north side of the road. As a result any vehicle turning left from the proposed development is highly likely to be confronted by a parked vehicle reducing visibility to the east, and the turn would involve using the opposite side of the carriageway. If the proposed application were granted it would add significant risk and danger to highways users.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits; an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; neighbour amenity; and highway and access issues.

Principle

- 5.2 The site falls outside of Development Limits as Maunby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. 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. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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 In the updated settlement hierarchy accompanying the IPG, Maunby is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies centrally within the village; facilities in the village itself include a pub and a church. However, settlements smaller than secondary villages have to be capable of forming a cluster with nearby villages in order to be considered a sustainable location for development, the IPG indicates that settlements within a cluster should be sufficiently close and provide an appropriate range of facilities and service between them. The IPG indicates that such settlements should be up to approximately 2km apart and either include a Service or Secondary village, or be a combination of Other Settlements that cumulatively provide the level of services and facilities required for a sustainable settlement. In this case, Maunby is approximately 2km from South Otterington, designated a Secondary Village, therefore criterion 1 is satisfied.

Character, appearance and rural landscape

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The site does not front directly onto the street but lies at the rear of the memorial village green. It would not be an example of backland development as it would front onto the existing area of open space. The general building line within the village varies; the terraced properties at The Row are set back further from the highway than the detached bungalows and cottages that are located immediately to the east of the application site and opposite but otherwise the building line is varied.
- 5.6 An indicative layout has been provided, showing the dwelling set back behind the rear building line of the dwellings at The Row. Although indicative it is unlikely that a dwelling could be positioned any closer to the front boundary. The dwelling illustrated is single storey with a cottage style that is similar to other properties within the village and would be in keeping with the more traditional character of Maunby.
- 5.7 It is important to consider the impact of the development on the character of the village as a result of a loss of outlook beyond the memorial green, which is currently rural in aspect. Long range views beyond the paddock are restricted by existing mature hedgerows and the landform, which gently rises and it is considered that the paddock relates better to the village than to the open countryside beyond. The existing mature hedgerow that lies on the boundary between the memorial green and the application site is mature and well established and would provide a strong boundary between the existing and proposed uses.
- 5.8 Although access is not a matter to be considered at this stage it is clear that the strip of land across the memorial green is the most likely option to be used as a driveway as it is the only part of the application site that abuts the highway. Subject to the use of appropriate materials with which to surface the drive, the openness of the green space would not be adversely affected.

Neighbour amenity

- 5.9 A single storey property of a low height would have less of an overbearing impact on the memorial green and would be less likely to overlook or have an overbearing impact on existing dwellings to either side. It is not however recommended that a condition be imposed to restrict a dwelling to single storey as it may be possible to design a two storey dwelling without harm. This would be a matter for consideration at the reserved matters stage.

Highways and access

- 5.10 The Highway Authority initially objected to the planning application on the grounds that the use of the strip of land across the village green as the access would be unacceptable due to poor visibility to the east as a result of the neighbouring fence and hedge. Following a speed survey the required visibility has been reduced from 43m to 25m. The County Council has recommended a Grampian style condition requiring the visibility to be in place before the access is used in connection with the development.
- 5.11 The neighbouring resident has made it clear that the hedge and fence is within his control and he has no intention of allowing it to be reduced in height to allow the required visibility of 25m. Consideration of the means of access is a matter reserved at this stage but there is case law that suggests that a future reserved matters application cannot be subsequently refused on grounds that go to the principle of the development itself. The details of the access have been provided as part of an

illustrative layout and it is not envisaged that any other access would be achievable within the perimeters of the site. This would be sufficient to provide grounds for refusal of the current outline application notwithstanding that the access is not a matter for approval at this stage.

- 5.12 The rights of the applicant to cross the village green to gain access to the development from the highway is not a material planning consideration and is not relevant to the determination of the planning application. Access to maintain a side gable of a neighbouring property is also not relevant and is a civil matter between the parties concerned.
- 5.13 Case law demonstrates that a refusal on a matter which goes to the principle of the development must be made at the outline application stage and therefore it is recommended that the application is refused on the grounds of highway safety.

6.0 RECOMMENDATION

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

1. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2 metres x 25 metres cannot be achieved in a north-easterly direction at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety and would be contrary to Local Development Framework Policies CP2 and DP4.