

**Parish: Thrintoft**  
Ward: Morton on Swale  
**16**

Committee Date: 31 March 2016  
Officer dealing: Mrs H M Laws  
Target Date: 8 April 2016

**15/02501/FUL**

**Proposed change of use of agricultural land to domestic and construction of one bungalow at Thrintoft Grange, Thrintoft for Pilcher Homes Ltd.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site lies on the north western edge of the village with vehicular access gained from an existing farm track off Bramper Lane. The site is currently used as an area for the storage of farm equipment and forms part of a farmyard area in association with the adjacent agricultural building. The southern boundary of the application site abuts an adjacent property known as 4 Chapel Garth, which is a converted chapel and a grade II\* listed building.
- 1.2 It is proposed to construct a single storey bungalow with 3 bedrooms. Amended plans have been received, which reposition the dwelling within the plot and delete the attached garage to address the initial concerns expressed by Historic England relating to the impact of the proposed development on the adjacent listed building.
- 1.3 The dwelling would be finished in brickwork and pantiles with upvc doors and windows. It is proposed to plant a hawthorn hedgerow along the new boundary with the adjacent field.

## **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 CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
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 - my response is rather detailed as I am trying to convey the mixture of conditional support but real concerns. Looking at the proposal it appears that the barns will remain and the bungalow will occupy the site as per the original plan. If the barns remain Mr Philips is going to have some very unsightly views from certain elevations.
- 4.2 Highway Authority - conditions recommended.
- 4.3 Environment Agency - no comments required.
- 4.4 Historic England - the amendments have reduced the harm to the significance of the listed chapel to an extent. We continue to consider that the proposals would cause less than substantial harm to this significance. This is because the dwelling would remove part of the agricultural character of the setting of the chapel which has been its immediate context for most, if not all, of its history. The way in which the chapel illustrates than isolated place of worship within a rural landscape would be eroded by the presence of the dwelling. The amendments have attempted to minimise this through the proposal for a single storey dwelling and hedgerow boundary treatments rather than domestic fencing or walling.

The NNPF requires any harm to designated heritage assets to have a 'clear and convincing justification' (paragraph 132) and that less than substantial harm should be weighed against the public benefits of the proposals (paragraph 134). You should therefore be satisfied that such a justification exists for a dwelling of this size in this location. The application should be determined in line with these policies and in accordance with the legal duty of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local planning authorities to 'have special regard to the desirability of preserving or enhancing the building or its setting'.

- 4.5 Environmental Health Officer - Based on the information provided we believe there will be no significant impact on local amenity. Therefore the Environmental Health Service has no objections.
- 4.6 HDC Conservation Officer - The site lies to the north and north east of the former St Mary Magdalen Chapel, which is a grade II\* listed building and one of only three monastic grange buildings surviving in Yorkshire.

Works to the chapel were undertaken some time ago to convert the building to a dwelling and also to construct several other properties between it and the street. At this time the chapel was in poor condition and the development was considered under the enabling development framework.

Prior to development the Chapel Garth was a paddock which provided an agricultural setting for the monastic grange chapel. Chapels of this type are so rare because lay brothers were expected to spend their time in the fields as opposed to having requirements for a chapel. The setting within a farm environment is therefore significant and it would be a shame if this were lost entirely. The impact of cumulative change can be harmful to the significance of the designated heritage asset. Simply because development has been allowed in the past, to enclose the space to the front, does not mean that further change would be acceptable. Further enclosure is likely to detract from the significance of the heritage asset, altering again the rural setting of the original chapel. Indeed, this open space is the last remaining link to its former setting.

I would deem the level of harm to be 'less than substantial'. Paragraph 134 of NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". Whilst there would be a minor benefit in terms of the provision of a dwelling, this cannot be considered to be a public benefit to outweigh the level of harm imposed.

4.7 Site notice/local residents - comments have been received from three local residents, which are summarised as follows:

- Whilst I have no objection to the construction of one private dwelling in itself, I have real concerns about the water displaced by any new building/s, and the journey of any waste water produced by such properties. I would ask for further detailed information as to where exactly any water created by the construction site, and proposed driveway onto Bramper Lane will run, whether via mains or soak away, as this is not clear from the website.
- The proposed property is at the highest point of the village, and so whilst it has been said that it is not in an area subject to flooding itself, the lowest part of the village does suffer from significant flooding, and properties such as my own, (in the area near the New Inn) have only narrowly missed water coming into our homes both from the fields at the rear (to the north), and from Moor Lane at the front (to the south) where water has, on occasion, come up through the drains themselves. During periods of heavy rainfall, water drains from Bramper Lane, from the Chapel Garth end of the village, and from the road to Ainderby, it meets at the cross roads and heads down Moor Lane.
- Is the site within an area at risk of flooding" - what is the definition of "area" and "risk of flooding"? "Will the property increase the flood risk elsewhere" - again, how is this defined and how is it measured or qualified?
- I do not agree with agricultural land in this area being used for housing
- We have no objection to the new proposal provided that access is strictly via the lane as indicated in the original plan and not over the drive between 1 Chapel Garth and the Grange. We would object strongly should any attempt be made to access the site from the Grange.
- We reiterate our concerns with regard to utilities and services. However, as regards sewerage, the landowner has assured us that there is sufficient fall (gradient) from the proposed bungalow to the Grange and subsequently to the main sewer beneath the village street, to enable a new foul water drain to be constructed and for it to function effectively.

## 5.0 OBSERVATIONS

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 surrounding rural landscape; (iii) the effect of the development on the adjacent listed building; (iv) neighbour amenity; (v) highway safety; and (vi) flood risk.

### Principle

5.2 The site falls outside Development Limits as Thrinfoft 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 National Planning Policy Framework (NPPF) published in March 2012. 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 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.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Thrintoft is defined as an "other settlement" and is therefore classed as a sustainable 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 within the village of Thrintoft which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Ainderby Steeple, Morton on Swale and Thrintoft. These three villages have long been linked economically and socially, which continues to the present day. Collectively these three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Thrintoft is less than a mile distance from either Ainderby Steeple or Morton on Swale. Criterion 1 would be satisfied.

#### Character and appearance of the village and the surrounding rural landscape

- 5.6 Proposals must also be small in scale, which in respect of one dwelling is satisfied. It must also provide a natural infill or extension to an existing settlement and conform with other relevant LDF Policies. Criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single dwelling on land to the rear of the main part of the village, accessed along a farm track that is separate from and runs parallel to, the main part of the village. In this respect it is not an infill plot but does appear as a natural extension to the village as it tucks into a corner and would be adjacent to existing development.
- 5.7 The proposed dwelling is a simple bungalow structure with a low eaves and ridge height. Although the site is on the highest part of the village, the dwelling would be low lying on the site and in relation to the adjacent chapel. Proposed hedging and landscaping would further reduce its prominence. For these reasons it is not considered that the proposed dwelling would adversely impact on the rural landscape.

#### Effect on the adjacent listed building

- 5.8 The NPPF paragraph 129 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development assessing the setting of a heritage asset). The Listed Building and Conservation Areas Act 1990 states that when making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.9 The plans have been amended to reposition the bungalow and reduce its size. Sectional drawings have been submitted to illustrate the relationship of the height of the proposed bungalow with the adjacent chapel. Historic England confirms that they do not consider the proposed development would result in substantial harm to the grade II\* listed building but identify that harm would still occur. It is suggested that the rural setting provided by the adjacent farmyard, which was originally the context of the chapel, would be lost. It should be acknowledged that the context of the chapel has been altered significantly by the cul-de-sac of dwellings to the south, which encroaches on its rural setting. This development of four dwellings was granted planning permission in 1997 and was considered to result in an improvement in the setting of the listed building as it replaced a despoiled agricultural site of concrete blocks, and provided more opportunities for views of the listed building than existed previously. This was approved as enabling development to allow the restoration and reuse of the chapel.
- 5.10 Section 9 of the Historic England document The Setting of Heritage Assets refers to cumulative change and states "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building." It is considered that further domestic development on the existing rural land to the north would exacerbate the loss of the rural setting, to the detriment of the significance of the building.
- 5.11 Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". It is therefore important to consider whether there would be any public benefit as a result of the development. The proposed development is for an additional dwelling in the village, which could help to support local services such as the pub in Thrinfoft and the school in Morton on Swale, but it is not considered that this would be significant or would outweigh the harm identified by Historic England. It is considered therefore that the proposed development would have a detrimental impact on the setting of the listed building and would be contrary to LDF Policies CP16 and DP28.

#### Neighbour amenity

- 5.12 The proposed dwelling would be in close proximity to the existing agricultural building but due to the siting and the internal layout of the bungalow the outlook for the future residents would not be adversely affected. Activities associated with the agricultural use of the adjacent site would have no greater effect on the amenity of the proposed residents than it has on existing residents except in respect of the use of the same access and driveway. It is not however considered that the use of the access and

driveway by one dwellinghouse would result in conflict with the agricultural user of the site.

- 5.13 The proposed dwelling is single storey and therefore the development would not result in overlooking of the adjacent residential property. A section has been received indicating the proposed ground level of the dwelling, which is similar to the adjacent property. The proposal would not therefore overshadow the neighbouring dwelling. It is considered that that proposed development would not adversely affect residential amenity and is therefore in accordance with LDF Policy DP1.

#### Highway safety

- 5.14 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety.

#### Flood risk

- 5.15 The site does not lie within an area of flood risk as identified by the Environment Agency.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is contrary to LDF policies CP16 and DP28, which require development affecting a heritage asset or its setting to preserve and enhance all aspects that contribute to its character and appearance. It is considered that the proposed development would result in less than substantial harm to the significance of the heritage asset as a result of the loss of the adjacent farm environment. The proposed development is also contrary to the advice within paragraph 134 of the NPPF as the development would result in less than substantial harm that is not outweighed by the public benefits of the proposal.