

Parish: Danby Wiske with Lazenby

Ward: Morton on Swale

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Committee Date: 26 May 2016

Officer dealing: Mrs B Robinson

Target Date: 3 May 2016

16/00561/OUT

Outline application with some matters reserved for a dwelling with access at land to rear of Woodbine Row, Danby Wiske for Mr T Hugill

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is at the north west edge of Danby Wiske. The site is a wedge shape piece of agricultural land, area 0.084ha, with field gate access to a short unadopted track. The land slopes relatively steeply from the gate towards the west. The access track also serves 3 cottages, Ivy Cottage, Lilac Cottage and North Row, which are arranged perpendicular to the village road along the track. Woodbine Row is a short row of cottages, parallel to and set back from the main village road, with an end gable onto the access track. There are informal parking areas at the end of Woodbine Row, and a hardstanding at North End Cottage.
- 1.2 The village is based around a crossroads, and has a mainly linear form, with some back-land development in the north-west and north-east quadrants in particular. The village has a public house, church and village hall.
- 1.3 The proposal is in outline but with access to be considered now, and all other matters reserved. The application is submitted with speed survey data previously presented to the Highway Authority. Indicative siting of a dwelling and garage/parking area has been provided, showing a bungalow with dormers, positioned centrally on the plot facing the access. An alternative siting has been provided showing a dwelling positioned in the south east corner of the plot, and suggests a dormer style dwelling with stepped ridge.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/93/038/0069 - Construction of a dwellinghouse; Refused 10 December 1993.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

Interim Policy Guidance - adopted by Council on 7 April 2015

National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council –

- The application is outside the original village limits.
- A previous application on the same site was rejected.

- Access from Woodbine Row is a concern of the immediate local residents due to the restrictions of the road size and addition of vehicle traffic.
- We understand that the application is now for a 3 bedroomed dormer property and if approved should be limited in height to be less than the existing adjacent properties.
- It should be of a size in keeping with existing properties and not that large that it is dominating the immediate area and built of materials that are in keeping with the existing village properties.
- It should be a condition that access to the site during construction is via the entrance off the Streetlam Road opposite the Old Police House for all plant and material delivery vehicles.
- That the field above the site being used by plant and vehicles during construction be reinstated as it is now after the work is completed.

4.2 Public comment –

- The ultimate intention is to open land for more development.
- The village has few services
- Drainage/flooding concerns.
- Access lane is inadequate, and responsibility for maintenance unknown. It is used for parking by neighbouring houses. Rights of access are not clear
- Harm to neighbouring property.
- Concerns about sewerage capacity and flooding
- Precedent for other infill development.
- ATC (automatic traffic count) does not take account of agricultural traffic use of road.
- Loss of outward views.
- Dominant effect on North End and Woodbine Row and existing properties.
- Not suitable for access by large vehicles to service the house.
- Site could be accessed from elsewhere.

4.3 Yorkshire Water – No comments.

4.4 Highway Authority - conditions requested.

5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the village; (ii) residential amenity; (iii) impact on the character of the village; iv) highway issues.

Principle

- 5.2 Danby Wiske is a village without status within the Settlement Hierarchy set out in policy CP4 as adopted in 2007. In 2015 the Council adopted Interim Policy Guidance (IPG) which included and updated Hierarchy that designated Danby Wiske as an Other Settlement, and which provides for a more flexible consideration of new development at the edge of settlements. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, which applies to any site in Danby Wiske, unless one of six exceptions can be applied. The applicant has not claimed any of the six exceptions and none are considered to apply, therefore the proposal is contrary to the Development Plan and planning permission should be refused unless other material considerations provide sufficient support for it.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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". The site is not considered to be isolated and therefore the NPPF provides some support.

5.4 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."

5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are only likely to be sustainable if they form part of a cluster of settlements with adequate existing services and facilities. The IPG clearly indicates that in order to be considered sustainable, an Other Settlement must be either clustered with a Service or Secondary Village or with sufficient Other Settlements to achieve "a good collective level of shared service provision". It also indicates that "significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)" would preclude those village from forming a cluster. Danby Wiske is relatively isolated and considerably more than 2km from any other settlement so it cannot form a cluster and it could only be considered a suitable location on the basis of some exceptional justification.

5.6 The agent for the application argues that the following wording in the IPG allows for an Other Settlement to be considered sustainable on its own, i.e. without being clustered:

"Other Locations (Other Settlements) may also meet the sustainability requirements, particularly when considered as a cluster."

5.7 However, this must be read in the context of the IPG as a whole, which indicates that the smallest settlements with sufficient services and facilities to be sustainable locations for further development are Secondary Villages. It is considered that the wording highlighted by the agent allows for future change, whereby an Other Settlement may benefit from new facilities and additional services that would justify it being re-designated in a subsequent review of the Settlement Hierarchy, just as some settlements changed rank in 2014. In support of his contention that Danby Wiske is a sustainable location, the agent states:

"Unlike many other villages with the same designation, the village possesses a number of services and facilities, which include a popular and well-used village pub

and village/community hall. Therefore additional development would support these local services.”

- 5.8 The 2014 Audit of Village Services Review also identifies a place of worship, an unequipped children’s play area, a casual recreation area and a school bus service. Even with these facilities, the village is not unusually well served when compared with other small settlements and it falls well short of the overall level of provision to be found in a Secondary Village. These factors do not justify an exception to the normal means of assessment. Whilst the agent refers to the popularity of the pub and hall, popularity is subjective and hard to measure, and the Settlement Hierarchy takes no account of it. Furthermore, whilst the agent is correct to say that additional development would support local services, the same could be said in almost any situation and it is not the Council’s approach. The basis of the IPG, and the relevance of the Audit of Village Services, is that there must be sufficient services and facilities in place to support new development.
- 5.9 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features, and to design a dwelling that would not be detrimental to the rural surroundings. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure. With regard to this last issue, whilst neighbours have expressed concerns about drainage capacity, discussion with Yorkshire Water suggests that an additional dwelling is unlikely to give rise to significant problems.

Residential amenity

- 5.10 The site is large enough to accommodate a dwelling, sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity. The indicative details show a distance of approximately 14 metres to 3 Woodbine Row. The site is at a higher level and would face the upper floor of number 3, however in the form suggested the elevation concerned is likely to be a blank gable (which could be secured at the reserved matters stage) without harm to privacy. On that basis, and subject to an appropriate roof design, any loss of amenity would not be significant.

Character of the village

- 5.11 The proposed development will be cut into the slope of the hill, limiting the overall height of the property when compared to that of the neighbouring dwellings. The applicant has provided a revised, indicative layout which suggests that the proposed dwelling would fit within the built framework of the village, given the locally in-depth development forms and relative heights and layout of the neighbouring properties.

Highways

- 5.12 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. At the edge of the village the road concerned becomes a farm access, and while farm traffic passes the site, general traffic is relatively limited. Taking into account that the Highway Authority does not object, this issue would not justify refusal. Neighbour comments refer to fears about the size of the access and that the submitted traffic count does not take account of agricultural traffic. However, the submitted details show that the width of the access is sufficient to allow for safe access to the site subject to a normal expectation of attentive driving. Access to the site is achievable without harm to buildings adjacent to the site.

6.0 RECOMMENDATION

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

1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The location of the proposed development is also insufficiently sustainable to benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.