

16/00724/OUT

Outline application with all matters reserved for a 2 bedroom detached bungalow at Little Acre, Dalton for Mr Alan Kirby

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission for the construction of a detached bungalow with domestic garage within part of an existing field to the east of The Moor and Pheasant Public House at Dalton Moor. The application site is over 1km from the centre of Dalton and over 800m outside the Development Limits of the village. The Old Beck runs to the west of the application site.
- 1.2 The field is presently accessed by a field gate access to the front, which would be widened as part of the proposal, and is screened by trees and planting which forms part of a copse.
- 1.3 The proposal is for the construction of a two bedroom bungalow stated to be for retirement purposes measuring 11.01m long by 7.91m wide with a total floor area of 76sqm. It would be located within the front part of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/79/037/0040 – Dwelling; Refused 22 February 1979.
- 2.2 2/84/037/0040A – Dwelling; Refused 29 November 1984.
- 2.3 2/87/037/0040B - Garage for servicing vehicles; Refused 18 December 1987, Appeal dismissed May 1988.
- 2.4 2/88/037/0040C - Garage for servicing vehicles; Refused 30 September 1988.
- 2.5 2/88/037/0040D - Building for agriculture and forestry purposes; Refused 6 April 1989.
- 2.6 2/89/037/0040E - Outline application for the construction of a building for vehicle repairs; Refused 6 September 1989.
- 2.7 2/93/037/0040F - Outline application for a vehicle repair garage; Refused 24 June 1993, Appeal dismissed 20 December 1993.
- 2.8 2/03/037/0040G - Detached bungalow with domestic garage; Refused 19 September 2003.
- 2.9 2/04/037/0040H Revised application for construction of a detached bungalow - refused 10.09.2004 - Appeal dismissed 15.04.2005

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
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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
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 - no response.
- 4.2 North Yorkshire County Council Highways - No objection subject to conditions.
- 4.3 Swale and Ure Drainage Board - The 'flood risk assessment' for this application appears to demonstrate no flood risk to the proposal but given the proximity of the Old Beck I would recommend that a condition be attached to this or the reserved matters application requiring the use of resilient construction. Also the feasibility of drainage by soakaway needs confirmation as the water table may be very high at this location.
- 4.4 Yorkshire Water - no observations.
- 4.5 Neighbours notified/Site Notice displayed. No comments received.

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; and its likely impact on (ii) residential amenity; (iii) the character of the village and countryside; (iv) highways; and (v) drainage.

Principle

- 5.2 As indicated in section 2, the site has a history of planning permission being refused for new dwellings in 1979, 1984, 2003 and 2005. However, the current proposal must be considered under a different policy framework, starting with the Hambleton Local Development Framework and taking other material considerations, including the National planning Policy Framework, into account.
- 5.3 Dalton is a secondary village within the Settlement Hierarchy set out in policy CP4 and in the adopted Interim Policy Guidance (IPG) 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 this site, 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.

- 5.4 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".
- 5.5 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."
- 5.6 The approach of the IPG is that Service and Secondary Villages will be sustainable in their own right. However the site is located over one kilometre from the main village of Dalton and other than the Moor and Pheasant public house there are no other facilities within walking distance. The remoteness from public transport and other facilities and the built form of the village are also negative considerations. It is noted that the bungalow is intended for retirement purposes and whilst there are nearby hatcheries which would be employment related uses as the proposal is for a retirement home, it would not support those businesses.
- 5.7 The site is relatively remote and occupiers of the dwelling would be heavily reliant on the private car and would not directly support local services, contrary to the aims of sustainable development. Refusal would be consistent with the planning history to the site and there has been no significant change in circumstances on the site or in the area to reduce the remoteness of the site or the harm of the development.
- 5.8 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure.

Residential amenity

- 5.9 The site is large enough to accommodate a dwelling, sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity with nearby properties to the north and west some distance from the application proposals. Any loss of amenity would not be significant.

Character of the village and countryside

- 5.10 The application site is located remotely from the main settlement. Whilst a small scale development could be designed to reflect the local vernacular, the proposal would harm the otherwise open character of the application site and surrounding rural landscape and as such would be contrary to Core Strategy policies CP4 and CP16 and Development Policy DP30.

Highways

- 5.11 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The presence of the entrance sign to the village and other speed restriction signage are noted but the road in itself is straight and good visibility would be capable from the access point. The proposal however would not be capable of promoting alternative modes of transport and would be heavily reliant on the private car.

Drainage

- 5.12 The comments of the Swale and Ure Drainage Board are noted and the presence of the Old Beck is also noted to the west of the application site. The part of the site extending 18 metres south from the metalled part of the Sessay – Dalton Road lies within the Flood Zone 2. The Flood Zone lies broadly parallel with Old Beck, the beck is at a lower level than the application site. The evidence shows that the proposed dwelling would be outside of the Flood Zone 2 but the access would involve land within Flood Zone 2. The evidence of the applicant in a Flood Risk Assessment states that during the flood events of 2000, 2009, 2012, 2015/16 there is no evidence of flood water entering the boundaries of the field. Subject to appropriate mitigation there is no reason to conclude that the development would cause an increase in flood risk elsewhere. . Advice from the Council's specialist advises that there does not appear to be any evidence to justify the Flood Zone 2 extending into the development plot as shown in the EA's mapping as the land is level with the highway and the view is that the risk of watercourse level rising to the proposed development site is very low. The conclusion is reached that from a flood risk perspective there is no objection though conditions relating to drainage and flood resilience should be applied in the case of approval.

6.0 RECOMMENDATION

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

1. The application site is in a rural location which is relatively remote and isolated from shops, services and the built form of the village of Dalton. The proposal would therefore be in an unsustainable location, reliant on the private car and would not contribute towards a sustainable pattern of development in the District. The proposal would be contrary to the objectives of national policy, Local Development Framework policies CP1, CP2, CP4, DP1, DP3, DP9, DP10 and DP30, as amplified by the Council's Adopted Interim Planning Guidance, which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities.