

**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**9**

Committee Date : 23 June 2016  
Officer dealing : Mrs B Robinson  
Target Date: 8 June 2016

**16/00612/FUL**

**Construction of two two-storey detached dwellings and associated parking.  
at Land Adjacent To Brindlewood East Harlsey North Yorkshire  
for Mr John White.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located on the north side of East Harlsey in a small paddock adjacent to Brindlewood which is a large bungalow.
- 1.2 To the south of the site are private garden grounds to the rear of properties on the street frontage whilst to the east is a paddock and to the west the garden associated with Brindlewood.
- 1.3 The application is for the construction of a pair of 4 bedroom dwellings. The properties would be completed in rendered blockwork with a pantile roof. Accommodation proposed in each dwelling comprises 4 bedrooms, bath room, lounge, dining room, kitchen, utility and attached garage. The external materials are Tyrollean style rendered blockwork and clay tile roof.
- 1.4 Access will be taken from the existing access to Brindlewood.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/01032/MBN Prior approval to change of use from an agricultural building to a dwelling with associated operational development. Granted 19.06.2015

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- 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 DP10 - Form and character of settlements
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP43 - Flooding and floodplains
- National Planning Policy Framework - published 27 March 2012
- Interim Guidance Note - adopted by Council on 7th April 2015

## **4.0 REPRESENTATIONS AND CONSULTATIONS**

- 4.2 Parish Council – Objects to the proposed development for the reasons summarised below:

- East Harlsey is a ribbon village with most houses fronting the road
- Second tier development is very limited in the village
- The site is not within the built form of the village
- 8 applications for new houses have been approved in the village against the wishes of the Parish Council
- The proposed development will result in too great an increase in house numbers in the village
- The development will result in a loss of agricultural land
- Development will have an adverse impact on road safety

#### 4.3 Environmental Health Officer –

The proposed site is within 50metres of a depot which is used for cutting logs to make firewood. The log cutting business has been in existence since 1842 and operates 08.00 – 17.00 Monday to Friday, with occasional weekend work. Deliveries to the depot happen a number of times per year. The activities at the depot and its surrounding area are likely to be noisy and intrusive.

The information that has been submitted by the applicant is insufficient for me to determine the application.

Before a decision is made I would recommend that that the applicant is required to submit an acoustic scheme in writing to the local planning authority, by a competent person, detailing the typical existing 24hour noise environment at the proposed development site.

This will help determine the suitability of the site and what noise mitigation measures, if any, should be considered.

#### 4.4 EHO Contamination - No objections.

#### 4.5 Highway Authority – No objections subject to conditions.

#### Representations

#### 4.6 One objection has been received, summarised below:

- East Harlsey is a “linear village” with no buildings allowable beyond the existing lines of housing.
- The proposal is behind a line of cottages and would have a major impact on a number of properties including eradicating most if not all of the open aspect of these properties which gives East Harlsey its character.
- Environmental concerns. There are several extremely old horse chestnut trees in very close proximity to the proposed development and the area has a number of bats, owls, birds of prey and other wildlife living in the vicinity.
- Brindlewood is on agricultural land outside the village footprint and was subject to a restrictive agricultural covenant.
- The proposed development is overlooking the boundary with neighbouring properties and would have a considerable negative impact on the privacy of all the properties in the vicinity
- The submission is lacking in detail

### **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) residential amenity; (iii) design and (iv) highway safety.

## Principle

- 5.2 The site falls outside of Development Limits of East Harlsey, which has no status in 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.

## Interim Guidance Policy

- 5.4 In the 2014 settlement hierarchy contained within the IPG, East Harlsey is redefined as a Secondary Village. 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. In this case it is considered that criteria 1 would be satisfied as East Harlsey is considered to be a sustainable location being categorised as a secondary village.
- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criterion 2 (built form and character of the village) criterion 3 (impact on the local environment) and criterion 4 (impact on the surroundings) of the IPG.
- 5.6 In terms of criterion 2, the proposed development would effectively create the beginnings of a new row of development behind the existing street form. Whilst there are examples of tandem and in-depth development in the village it would be wrong to suggest that this development form characterised the village. As such the development of these two substantial properties on land behind the main development form is considered to be harmful to the character and form of the village. The barn conversion to the north of the site was approved as Permitted Development, where there is little scope to carry out an assessment in these terms. An earlier approval at Rose Cottage is also relevant although this was justified as being a conversion with an existing separate access.
- 5.7 In terms of criterion 3, the site is an open field where the development would have little impact on the natural environment and does not affect features of historic importance.

- 5.8 In terms of criterion 4, the site benefits from some screening from existing buildings on the site and the set back from the road and would not be detrimental to the open character of the surrounding countryside.
- 5.9 There is no evidence that the development could not be accommodated within the capacity of the existing infrastructure.

#### Cumulative impact

- 5.10 Following the adoption of the Interim Policy Guidance in April 2015 permission has been granted for 4 new dwellings within the village. A further three dwellings have been approved within the village under the permitted development rules for the conversion of agricultural buildings to dwellings. A further dwelling has been approved under the permitted development rules outside the village at Deepdale.
- 5.11 The majority of the proposals approved under the IPGN have been for in-fill development forms for single dwellings, which have had little impact on the character or form of the village. In terms of the cumulative impact of development on the character of the village, the additional two new dwellings are not considered to be significant in terms of numbers of new dwellings.

#### Residential amenity

- 5.12 In terms of neighbour residential amenity, the only property potentially impacted by the proposed development is the applicant's own property of Brindlewood. The garden ground immediately to the south of Brindlewood would be overshadowed by the gable end of Plot 2. However, due to the orientation of the property and the size of the garden associated with Brindlewood this is not considered to have a significant, harmful impact on the residential amenity of the occupiers of Brindlewood.
- 5.13 If the barn conversion approved under permitted development to the north of the site were to go ahead, there is a potential for a loss of privacy and outlook from south facing windows in the barn as approved. However, the distance between the properties would be approximately 20 metres and there is scope to provide appropriate screening without unacceptable harm to the overall amenities of the affected dwelling.

#### Design

- 5.14 The proposed design utilises blockwork and render and whilst there are rendered properties in the village, in the rural surroundings of this village edge location, the development would have a stark appearance.
- 5.15 The houses are two storey and proportionately large compared with the adjacent bungalow and due to their size in relation to the plot, and the proximity of the bungalow, the group so formed would have a crowded appearance out of keeping with the village edge location. Criterion ii) of CP17, Development Policy DP32 and Criterion ii) of the Interim Policy Guidance all seek development which respects and enhances the local context and its special qualities. The proposed development form and materials used fail to accord with these requirements.

#### Highway safety

- 5.16 The Highway Authority has no objections regarding the proposed development and as such the proposals are not considered to be harmful to highway safety.

## 6.0 RECOMMENDATION:

That the application be **REFUSED** for the reasons set out below:

1. Due to their design and location the proposed dwellings would have a crowded and urbanised appearance out of keeping with the village edge location and would not reflect the form and character of the village contrary to Local Development Framework Policy CP17 and DP32 and Interim Policy Guidance criteria 2.
2. In the absence of evidence to the contrary, the proposal would give rise to unacceptable harm to domestic amenity due to noisy activities from an adjacent business premises, contrary to Local Development Framework Policies CP1 and DP1.