

Parish: Morton-on-Swale
Ward: Morton on Swale
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Committee Date: 21 July 2016
Officer dealing: Mr Andrew Thompson
Target Date: 3 May 2016
Extension agreed until:

16/00565/OUT

**Outline permission for a detached dwelling with access and layout
at land adjacent to 1 Swaledale Court, Morton on Swale
for Mr S Clayton**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies to the rear of Swaledale Court, with the Wensleydale railway line to the north. The permitted use of the land is for the grazing of horses. There is an existing brick barn structure on the site which would be demolished as part of the proposals. Morton Hall, to the south is a Grade II Listed Building which is some 60m to the southwest with the more modern development of Dales View approximately 30m to the south and southeast of the application site.
- 1.2 This application seeks outline planning permission for the construction of a detached dwelling, indicated as a three bedroom property within the application form. The application considers access and layout. Access would be via the existing farm track between Swaledale Court and Morton Hall with the proposed dwelling to be located in the centre of the 0.1ha site. The access track running between Swaledale Court and Morton Hall is a public footpath.
- 1.3 The field is bordered by open fencing with a number of field trees in the field but none would be affected by the development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/00522/FUL - Conversion of agricultural buildings to residential use; Granted 14 August 2008 (Swaledale Court to the south of the site)
- 2.2 09/00593/FUL - Change of use of land from agricultural use to equestrian and construction of a stable block; Granted 7 May 2009.

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 DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

- 4.1 Parish Council - No comment received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Environment Agency - No objection.
- 4.5 Yorkshire Water - No comment.
- 4.6 Public comment - 3 letters of objection have been received raising the following points:
- Concerns about the access track and increase in traffic movement;
 - Increase in turn noise levels from increased traffic;
 - Loss of view by the proposed dwelling and removal of a very old small farm building replacing with a dwelling much larger directly impacting on privacy, peace and quiet;
 - Impact on wildlife and many birds;
 - Paddock being used for dirt-bikes and recreational activity; and
 - Conflict with covenants.

The applicant has responded to the comments raised questioning the validity and integrity of some of the comments raised.

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 and wider countryside; (iv) impact on wildlife; and (v) highway issues.

Principle

- 5.2 Morton on Swale is a service 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 any site in Morton on Swale, unless one of six exceptions can be applied.
- 5.3 With regard to the exceptions to CP4, the existing brick barn structure should be considered as material. The barn is in a dilapidated state without a roof. Due to the change of use of the land to equestrian use, the barn could be considered to be previously developed land however the NPPF glossary excludes instances where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. Nonetheless the proposal is to utilise and demolish the existing structure and replace it, reusing the existing bricks. Whilst the replacement of the building might be argued to be an improvement to the environment and potentially an improvement to the setting of Morton Hall as a heritage asset, this type of tumble down ruin is a common sight and might of itself be argued to contribute to the character of the area.

- 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 are deemed sustainable in their own right. The proposal would not alter this view. The site is approximately 30m from the Development Limits of Morton on Swale so the dwelling would be relatively close to the existing village. However, it would appear independent of the village and as a possible first element in a new line of development behind Swaledale Court and Morton Hall. As such, the precise location does not allow development that would meet the second criterion of the IPG. As such, the proposal is considered to be remote from the built form and would be contrary to the aims of sustainable development.
- 5.7 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

- 5.8 The site is large enough to accommodate a dwelling but not so large as to dominate the surrounding area. The proposals are sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity with nearby properties to the south some distance from the application proposals. Any loss of amenity would not be significant with the capability to design windows away from neighbouring properties, which in any event are of a suitable distance from the site.

Character of the village and countryside

- 5.9 The application site is located to the rear of the main settlement and separated from the development form by an intervening field. Whilst a small scale development could be designed to reflect the local agricultural vernacular of the existing barn building it is considered that the development of the site is not in-keeping with the development

form of the village and therefore the proposal is not considered to be in keeping with the character and form of the village nor with the aims and objectives of policy.

Impact on wildlife

- 5.10 The concerns of residents are noted with regard to wildlife. It is noted that the proposal would not impact on any of the existing field trees or ecological features in the field. It is therefore considered that a satisfactory dwelling could be delivered without causing harm to any habitats, trees and that suitable landscaping could enhance the character of the area.
- 5.11 Whilst no specific species surveys have been carried to inform the application, the building is in a poor state of repair, without roof and is not considered to be a suitable location for bat or protected bird habitat.

Highways

- 5.12 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The detached dwelling would be located on a private road not maintained by the Local Highway Authority but access to the site is along established and a well-formed track. There is a passing point in front of Morton Hall which would allow cars to pass without incident. Further there are also other areas around the field access and Swaledale Court parking area where cars could pull aside without causing harm to highway safety. The proposal is considered to be acceptable and the additional dwelling above the existing use of the drive would not cause highway safety concerns.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason(s)
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 Morton-on-Swale. 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.