

**Parish: Myton-on-Swale**  
Ward: Raskelf & White Horse  
**12**

Committee Date: 18 August 2016  
Officer dealing: Mr Andrew Thompson  
Target Date: 21 July 2016  
Date of extension of time (if agreed):

**16/01221/OUT**

**Outline application for the construction of two dwellings to consider access and layout  
At Church View, Myton on Swale  
For Mr & Mrs Glew**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is a field to the south of Cherry Tree House, Church View and the Old School House with an existing field access from the main road. To either side of the field is Church Farm and its associated farm buildings and the Old Vicarage which is set back from the main road in line with the rear of the field. Within the field are two timber stable buildings and a polytunnel. The application is relatively flat except for a sunken area in the middle of the field. The sunken area of land forms a pond in times of heavy rainfall and in winter months.
- 1.2 The application is in outline form considering access and layout only. The application proposes two detached houses in the north eastern and north western portion of the field. The proposals show within the layout access to be taken through the existing field access. The proposals also show detached garages in front of the proposed access and the sunken area being retained as a pond.
- 1.3 Whilst the sunken area of land is noted, the site itself lies within Flood Zone 1. It is also noted that Myton-on-Swale has no Conservation Area.
- 1.4 The applicant has submitted a planning statement considering the material planning considerations and policies for the area. This concludes that:
- "The Council is positively supporting development within sustainable settlements at the moment and Myton on Swale constitutes one of the locations where development is being supported. Through this Statement we have demonstrated that the proposal is of an appropriate scale and that it meets the policy requirements of the Interim Policy Guidance concerning Policy CP4 of the Core Strategy. In light of the benefits that would come from the delivery of new housing in maintaining the Council's five year supply of deliverable sites and the supply of affordable housing and in the absence of any significant harm caused to the character and appearance of the area or neighbouring residential amenity, we consider the proposal to be acceptable and policy compliant."
- 1.5 The application is also supported by an ecological assessment which indicates that the vegetation on the site to be cleared has a low ecological significance in the local area; the trees close to but outside the development area are generally of low quality. Landscaping could be included within the development to promote a wider variety of wildlife to use the site than already occurs and the existing ephemeral pond will be retained an enhanced.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 On the application site: 16/00527/OUT - Outline application for the construction of 5 dwellings; Withdrawn 18 May 2016.

- 2.2 Other application under the Interim Guidance Note within the village - 15/01151/FUL - Construction of a dwelling; Granted 29 October 2015.

### **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 CP18 - Prudent use of natural resources  
Core Strategy Policy CP21 - Safe response to natural and other forces  
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  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance

### **4.0 CONSULTATIONS**

- 4.1 Parish Council - A detailed seven page report of the Parish Meeting which was attended by 18 people representing 12 households which equates, according to the Parish Council to 25% of the village. This is summarised as follows:

- No need for the development or benefit arising from it;
- There are no shops, school, bus service or public house;
- Village cannot form a cluster with other villages;
- Further development would be likely on the field, this proposal would set a precedent;
- The linear and single file pattern of development would be broken by the proposed development;
- The development would be out of keeping with the character of the village - in particular large and modern housing would be out of keeping with the older properties;
- Access to the village is problematic given the single track access routes without passing points;
- The proposed development would be wholly dependent on the private car and would not minimise the need for travel;
- There is a lack of waste water facilities;
- High river water/water table levels impact on drainage issues; and
- Access to the village can be cut off by flooding.

- 4.2 Highway Authority - No objection subject to conditions

- 4.3 Scientific Officer (contaminated land) - No objection.
- 4.4 Swale and Ure Drainage Board - No objection subject to a drainage condition being added.
- 4.5 County Archaeologist – The development lies within the historic village of Myton-on-Swale. The village takes the traditional form of two rows of properties facing each other over a village green and main street. This is typical of Norman planning and re-organisation following the Conquest in 1066AD. It is very likely that a settlement of some form was present prior to 1066AD, although its exact location and form is not known. The village can be considered as a heritage asset (NPPF Annex 2) as a settlement that has been in continuous use for over 1000 years. The properties at Myton-on-Swale have a direct frontage onto the former village green, now enclosed as front gardens. The land to the rear of each property takes the form of a long narrow plot. This will have been used in the medieval period for agriculture, stock rearing, light industry, waste disposal and, in the case of the development site, a pond is present. The plots terminate at a well-defined boundary that acted as a back lane to the settlement. These plots are traditionally open in character and form an important aspect of the setting of the village. The loss of open space behind the village frontage could be considered substantial harm to the setting of the village (NPPF para 135). The proposed dwellings at Church View are set well back from the village frontage. In terms of archaeology the rear plots are of some archaeological potential. They generally contain remains such as dispersed pits, gullies and drainage ditches. These types of remains are of local interest but are not usually of such significance as to preclude development. A conditioned response to allow archaeological recording would be proportionate to the scale of the development.
- 4.6 Public comment - 25 responses raising the following issues:
- The properties which have been applied for are going to sit behind the current lay out of this historic village;
  - Set a precedent for the village with other arable land which could be sold off for building;
  - Nearby locations in Thirsk and Easingwold have developments occurring, there is no need for development in the village;
  - The village has no amenities;
  - The village could not be described as being in a cluster of villages;
  - There is no access to public transport;
  - The village allowed for two properties to be built within the village previously, one of these is currently under construction, this development will be 50% more than advised for our village;
  - The village is picturesque and holds significant historical relevance;
  - The roads within the village are single carriageway and in poor repair and prone to flooding;
  - The area where the development is proposed for is a marsh and subject to flooding
  - Drainage concerns;
  - People within the village have seen and photographed newts within that marsh which will need to be relocated;
  - Children have to play in the street as there is no park or designated safe area for them, as the roads are single carriageway this is dangerous;
  - The proposals are dominant to the countryside;
  - Impact on the operations of the farm;
  - Site is part of the historic character of the village;
  - Approving the proposals would be contrary to the Human Rights Act; and

- Advice appears to be given by planning officers that residential development on this site was acceptable.

## 5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area, including the heritage of the area; (iii) neighbour amenity; (iv) flooding and drainage; (v) access; and (vi) ecology and wildlife.

### Principle of Development

- 5.2 In policy principle terms, Myton-on-Swale has no development limits and the village is defined within the updated settlement hierarchy as an Other Settlement. It is therefore a location where development plan policies, specifically CP4, only allow development in exceptional circumstances. None of the exceptions allowed by Policy CVP4 are claimed and so the proposal is contrary to the development plan. However, it is necessary to consider the impact 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 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 and this is considered below.

- 5.4 The IPG states that the Council will support small-scale housing development 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 Myton-on-Swale is defined as an Other Settlement in the IPG settlement hierarchy. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IPG indicates that in order to be sustainable, and therefore appropriate for development, an Other Settlement must be capable of clustering with either a Service Village or a Secondary Village or with

one or more Other Settlements that would jointly provide the necessary supporting services and facilities. In all cases, the settlements in question should be no more than approximately 2km apart and without significant barriers such as rivers between them.

- 5.6 Myton-on-Swale is located 4km from Helperby and Brafferton and approximately 3.9km from Tholthorpe. The IPG advises that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.7 The village is too far from settlements with the amenities and facilities that would support a sustainable development and the application therefore cannot draw support from the IPG.
- 5.8 The IPG advises that small scale development normally constitutes five or fewer dwellings. The Parish Council accept that a further dwelling would be appropriate; however this does not alter the above assessment against the first criterion of the IPG. Overall, given the lack of facilities in Myton-on-Swale, further development is not supported by the IPG.

#### Impact on the character of the area, including the heritage of the area

- 5.9 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character, setting or appearance of heritage assets. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.10 Myton-on-Swale is characterised by linear development with a few built elements set back some distance from the main road including The Old Vicarage and The Old Barn at Church Farm. These are exceptions to the prevailing pattern of development and the proposed construction of two new dwellings in a tandem arrangement with Church View would not reflect the existing built form and character of the village, as required by IPG criterion two.
- 5.11 St Mary's Church, opposite the entrance is a Grade II\* listed building, Old Vicarage and The Old School House are potential non-designated heritage assets. The relationship of the proposal to each should be considered due to their cultural importance to the village and historic design features. For the reasons given in the previous paragraph, the development would create an insensitive relationship with these heritage assets and is contrary to the LDF Policy CP16 and DP28.

#### Neighbour amenity

- 5.12 The proposal includes details of layout to be considered at this stage. It is noted that the proposed dwelling on the west of the two would be some 30m to the rear of the boundary with Old School House whilst the other property would be approximately 15m to the rear boundary with the neighbouring property of Cherry Tree House and about 50 metres between the dwellings. With the external appearance and precise position of windows to be determined at a later date, it is considered that both houses could be designed in a manner to ensure that overlooking and privacy would not be adversely affected.
- 5.13 The access would be between Cherry Tree House and Church View and there are limited windows on the facing side elevations. Overall it is considered that there would be no significant harm to the amenities of residents arising from the proposal.

### Flooding and drainage

- 5.14 At the time of a recent site inspection the field was dry. Previous inspections have taken place for other applications in Myton-on-Swale in winter months and these showed standing water in the field. Evidence has also been submitted from residents showing standing water within the field.
- 5.15 It is also noted that residents highlight that access to Myton-on-Swale, at times, has been constrained by flooding, particularly last winter, although access has still been possible. Having regard to the size and scale of the development and the amount of area that would be left undeveloped, should all other matters be considered acceptable a suitable drainage scheme could be secured by condition including provision of appropriate surface water drainage ponds in accordance with sustainable drainage systems. Consequently it is not considered that flooding or drainage could be substantiated as a reason for refusal.

### Access

- 5.16 Residents highlight this as a source of concern; however the comments of the Highway Authority should be noted in that it raises no objection in principle. In view of this advice, it is considered that the additional traffic associated with two dwellings would not have a significant impact in terms of highway safety. The access could be accommodated safely within the space. Therefore it is not considered that highway safety would be compromised.

### Ecology and wildlife

- 5.17 The applicant has submitted an Ecological Assessment as part of the application which does not conclude that the application site forms a significant habitat with regard to wildlife and makes a series of recommendations, highlighted at paragraph 1.5 which includes that should newts or protected species be found on the site, suitable licences would be required from Natural England. Further a detailed landscaping scheme could be designed to create enhancement to the natural environment with appropriate planting and mitigation. It is therefore considered that the proposal is not contrary to Habitat Regulations and suitable planning conditions could be added to reflect the recommendations of the Ecological Report should the development be permitted.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. Myton-on-Swale is a village that is remotely located with no or few services or without convenient access to services in a nearby settlement by alternative modes of transport. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. National guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. In this instance no special circumstances have been demonstrated and the proposal would be isolated from shops and services which are approximately 4km from the application site. The proposal is therefore considered to be contrary to Local Development Framework policies CP1, CP4, CP16, DP9, DP10 and DP30 and the Council's Interim Planning Guidance and in particular, but not exclusively, paragraphs 29, 37 and 55 of the National Planning Policy Framework. It would therefore be an isolated form of unsustainable development.

2. The proposal by reason of the position of the dwellings within the site, their size and scale in relation to The Old School House, Cherry Tree House and Church View and other properties in Myton-on-Swale would be out of keeping and poorly related to the built form and character of the settlement. The proposal would also be poorly related to the historic character of the village, and the setting of non-designated heritage assets in terms of The Old Vicarage and The Old School House. The proposal would therefore cause harm and is contrary to policies CP1, CP4, CP16, CP17, DP9, DP10, DP28, DP30, and DP32 of Hambleton Local Development Framework, the Council's Interim Planning Guidance and the aims and objectives of the National Planning Policy Framework.