

Parish: Ainderby Quernhow

Ward: Tanfield

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Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 22 July 2016

Date of extension of time (if agreed): 23 September 2016

16/00373/FUL

**Demolition of existing farm buildings and construction of 4 new dwellings, conversion of existing chapel building to a dwelling and ancillary works, associated parking and formation of new access
at Ainderby Hall, Ainderby Quernhow
for T M Jopling & Partners**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Ainderby Quernhow on the northern side of the B6267. The application extends over an area of approximately 0.22 hectares and is currently occupied by agricultural buildings, some of which are disused, and a vacant chapel building. Existing dwellings bound the site to the east and west and open fields lie to the north. A public right of way crosses the centre of the site.
- 1.2 It is proposed to remove all of the existing agricultural buildings and retain the chapel building. The proposed development includes a total of 5 three bedroomed dwellings. Four of the dwellings would be two storey semi-detached new build properties. The fifth dwelling would comprise the converted and extended chapel building.
- 1.3 The proposed layout would be in the form of a cul de sac development. Two of the properties (plots 1 and 2) would lie on the roadside frontage at the south western corner of the plot with vehicular access served by the cul de sac to the rear of the dwellings. The remaining semi-detached properties (plots 3 and 4) would lie at the northern side of the application site fronting directly and centrally onto the cul de sac with a driveway access to either side of the properties. The chapel building (plot 5) would lie to the eastern side of the plot with a rear vehicular access served off the cul de sac.
- 1.4 Each dwelling would have two off street parking spaces within the curtilage.
- 1.5 The dwellings would be finished in brick and cobble with both slate and pantiled roofs.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant

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 CP5 - The scale of new housing
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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 comments received.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Natural England - no comments.
- 4.4 The Ramblers Association - no comments received.
- 4.5 Swale & Ure Drainage Board - a flood risk assessment should be called for dealing with the issue of amended access to the main road which could attract surface water into the development. The proposal to connect surface water to the main sewer is most unlikely to be approved by Yorkshire Water and an alternative strategy should be requested. There is no indication from the submitted papers that the NPPF hierarchy for SW drainage has been followed. The application should be deferred until such times as the flood risk and drainage arrangements are better developed with appropriate consents in place.
- 4.6 HDC Drainage Engineer - The revised submission is not adequate. The applicant needs to provide an assessment of the current surface water arrangements, and their proposed surface water arrangements. This will need to evidence a reduction of the proposed discharge of surface water compared to the existing discharge rate. They will also have to evidence that they are complying with the hierarchy of surface water discharge in priority order, so soakaway, watercourse, sewer. They will need to liaise with the Swale and Ure Drainage board as their proposed surface water discharge is to a watercourse within the SUB's statutory area so needs their consent. There is potential to condition an approval, ideally the applicant should be more expansive with their surface water management strategy, which lacks some clarity. The applicant will need to agree drainage arrangements prior to any start on site, if the development is permitted.
- 4.7 HDC Senior Scientific Officer (Contaminated Land) - The Phase 1 Desk Study Environmental Assessment submitted in support of the above development is acceptable. The report makes recommendations for further works as a site investigation in order to obtain further information on ground conditions. In light of the potential unknown contamination on site a condition is recommended.
- 4.8 Public comment - none received.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location, including the removal of the existing agricultural buildings; (ii) the impact on the character and appearance of the village; (iii) the effect of the development on

heritage assets; (iv) the effect on residential amenity; (v) highway safety; (vi) biodiversity; and (vii) drainage.

Principle

- 5.2 Ainderby Quernhow has no Development Limits and is therefore classed as being situated in the open countryside for planning purposes (LDF Policy CP4). Policy DP9 states that development will only be granted for development "in exceptional circumstances". 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.
- 5.4 In the settlement hierarchy contained within the IPG, Ainderby Quernhow is defined as an Other Settlement; 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 be well located for access to local facilities and services other than by car including facilities and services in a village nearby. Ainderby Quernhow is a small settlement of approximately 22 dwellings. The village has no shops or services and there are no surfaced footpaths or footways into and out of the village. The site lies centrally within the village, the edge of which lies 0.8km along the road from the edge of Sinderby and 1.8km from Skipton on Swale, which are both defined as Other Settlements with few facilities. The site lies 2.6km from Pickhill, which is a Secondary Village. The route to all of the villages is via the country roads which are unlit and without footways.
- 5.5 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village or Other Settlements with a good collective provision of services. Sinderby only has a village hall and Skipton on Swale only has a church so collectively the three settlements do not have adequate services capable of forming a sustainable community. The IPG indicates that villages should be approximately 2km apart to allow this and although the distance to Pickhill, which is 2.6km almost complies, the route adjoining the two villages is relatively poor as the road is unlit and has no footways. Ainderby Quernhow therefore would not be considered as being capable of forming a sustainable community and is poorly located in relation to access to local facilities and services other than by car. It would therefore be contrary to criterion 1 of the IPG, that is, development should be located where it will support local services including services in a village nearby.
- 5.6 Policy CP4 of the Core Strategy sets out specific criteria for development in locations such as the application site. Development is only supported when an exceptional

case can be made for the proposals which relate to policies CP1 and CP2 (which relate to sustainable development and minimising the need to travel). In this instance it is suggested by the applicant's agent that the exceptional case may relate to the necessity of development on the land "to secure a significant improvement to the environment" (criterion ii).

- 5.7 Some of the agricultural buildings are still in use and therefore currently make a contribution to the local economy. It is understood that there is existing capacity within other farm buildings in the village and the cattle would be relocated.
- 5.8 The site is clearly visible from the road and is a prominent part of the street-scene within the village. None of the buildings are large in scale although do not make a valuable contribution to the character and appearance of the village. It is not considered that the buildings cause such environmental harm that residential development in an unsustainable location would be preferable.
- 5.9 The removal of the buildings and replacement with dwellings would significantly alter the existing rural character of the site and two storey dwellings would be more prominent. It is considered that the replacement of the existing small scale and relatively unobtrusive farm buildings with a much more formal arrangement of a residential cul-de-sac would detract from the rural character of Ainderby Quernhow and as such there is considered to be no justification for an exceptional case under CP4.

Character and appearance

- 5.10 This issue is addressed above in relation to the principle of development in the village. Notwithstanding the principle of redeveloping the site in respect of Policy CP4, it is important to consider the proposal against the remaining criteria of the IPG. Criterion 2 requires development to be small in scale, reflecting the existing built form and character of the village.
- 5.11 There are currently 22 dwellings in the village; an additional five dwellings would result in an increase of 22.7%, which is significant and is considered to be too great to be deemed "small-scale" in a village of this size and form.
- 5.12 A cul-de-sac development, although proposed to replace the farmyard development, is not a form of development that exists in the village and does not therefore reflect its existing built form and character. It is considered that the proposed development would not accord with the incremental and organic growth anticipated in the IPG and would harm the character of the village.
- 5.13 The design of the proposed semi-detached dwellings is simple and traditional with features reflecting the more traditional of the existing dwellings within the village rather than the modern properties. The submitted Design Statement considers the dwellings to complement the older buildings within Ainderby Quernhow and nearby villages. The details are considered to be in accordance with LDF Policies CP17 and DP32.

Heritage

- 5.14 The chapel building has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria:
- Age (usually more than 30 years old);
 - Rarity (not many examples locally);

- Aesthetic value/appeal (distinctive local characteristics); and
 - Townscape or landscape value (key landmark buildings - it directly faces the footpath leading from Ainderby Hall).
- 5.15 The building is of historic and architectural merit; is considered to be a Non-Designated Heritage Asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.16 The NPPF in paragraph 55 suggests isolated new homes in the countryside should be avoided but describes certain circumstances where it may be acceptable. These include:
- Where the development represents the optimal viable use of a heritage asset; and
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.17 LDF Policy CP4 (ii), “where it would be necessary to secure the conservation of a feature of acknowledged importance”, would also provide an exceptional case where such development may be acceptable.
- 5.18 The proposed extensions are excessive in relation to the existing building and, although amendments have been received that limit the development to a single storey property, the extensions are considered to overwhelm and dominate the original building to such a degree that it would lose its character. It is suggested that the principle of converting and extending the building to provide a viable alternative use is acceptable and would outweigh the unsustainable location of the site. However, it is not considered that the proposed scheme to alter and extend the building would adequately respect its historic character.

Residential amenity

- 5.19 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.20 Plot 2, which is one of the semi-detached properties at the front of the site, would lie within the footprint of an existing agricultural building but would be in close proximity to the rear elevation of the existing dwelling at Forge Cottage. The overbearing nature of the proposed dwelling, as a result of this position, may not be greater than the existing situation experienced by the residents but it is considered that new development should provide an opportunity to improve the impact on Forge Cottage rather than retain and reinforce an adverse impact.
- 5.21 The occupants are currently not overlooked due to the use of the agricultural buildings but the proposed dwelling at plot 2 has three windows at first floor in the side elevation that could overlook and therefore significantly detract from the privacy enjoyed by those occupants. The proposed development would therefore be contrary to LDF Policy DP1.

Highway matters

- 5.22 There are no objections by the Highway Authority to the removal of the agricultural buildings and the creation of a cul-de-sac development of 5 dwellings subject to appropriate conditions.

Biodiversity

- 5.23 A bat and barn owl survey confirms there are no potential habitats within the farm buildings although the chapel building has some potential for bat roosts. There is evidence of the use of many of the buildings for nesting birds and therefore scheduling of work must avoid disturbance.

Drainage

- 5.24 Insufficient detail has been received to address the concerns of the Swale & Ure Drainage Board but the Council's Engineer confirms that this information can be submitted at a later date and an appropriate condition imposed on any planning permission granted.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed new dwellings would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Ainderby Quernhow and the surrounding villages and the excessive distance to the nearest Secondary Village of Pickhill, it is considered that Ainderby Quernhow cannot form part of a sustainable cluster as required by the Council's Interim Policy Guidance. In addition, the proposed development is not small in scale and would not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
 2. The proposed alterations and extensions to the existing chapel building would be contrary to Policies CP16 and DP28 of the Local Development Framework and the advice within the NPPF due to the unacceptable impact of the development on the historic character and appearance of this Non Designated Heritage Asset.
 3. The proposed development would cause a substantial loss of amenity to neighbouring residential property by reason of overlooking and an unacceptable sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.