

**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**7**

Committee Date: 15 September 2016  
Officer dealing: Mrs B Robinson  
Target Date: 26 July 2016  
Date of extension of time (if agreed): 16 September 2016

**16/01263/OUT**

**Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for construction of one detached dwellinghouse at Thornflatt Cottage, East Harlsey for Mr & Mrs Allick**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 The site is agricultural land adjacent to an existing dwelling, located approximately 450m beyond the eastern outskirts of East Harlsey, and accessed from the road by a track and private drive approximately 150m long. The site is a hardstanding adjacent to a former agricultural building, reported to be not currently in use. To the north the site is backed by a 2.5m block work wall and earth bank. Elsewhere the site is bounded by fencing. Close to the west of the site there are two dwellings, and to the north of the houses there are ranges of traditional farm buildings and modern farm sheds.
- 1.2 The proposal is an outline application for a single dwelling and it has been confirmed that only access is to be considered now. This would be via the track serving Thornflatt Farm and Thornflatt Cottage.
- 1.3 The application includes indicative details of a detached two storey house positioned to the east side of the plot. The details show a projecting gable at the front and a small projecting gable at the rear. The house would have four bedrooms and a spacious internal layout. Although no details are specified the elevations presented suggest brick and tile materials are intended.

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

- 2.1 2/01/043/0102A - Alterations and extensions to dwelling to also incorporate the change of use of existing agricultural building and land to domestic use; Granted 17 June 2002.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP2 - Access  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Interim Policy Guidance Note  
National Planning policy Framework

## **4.0 CONSULTATIONS**

### **4.1 Parish Council - Objects and recommends refusal. The grounds of objection are:**

- East Harlsey is a ribbon village with the majority of houses facing the road which runs from Town End Farm to the A19. There is no second tier development on the north side of that road and limited second tier development on the south side of that road, other than a C11<sup>th</sup> church, Harlsey Hall which dates to medieval times, one property built without planning permission at time of building, and one-to-be constructed property approved by the Planning Committee recently.
- The site does not lie within the built form of the village, which ends at Keeper's Cottage with only two houses forming part of a previous agricultural development on the north side of the road from that point to the A19. If granted, this development will set a precedent for development of East Harlsey along and to the north of the road leading to the A19. This development would, therefore, be in conflict with Hambleton District Council's guidance in that it would change the character of the village.
- The application is for development of agricultural land, no application having been submitted to change use of this particular piece of land. The development is contrary to HDC policy on release of change of use of agricultural land to housing development. The Parish Council sees no reason, at this time, for extension of the build of the village to include development on agricultural land and believe this would be in conflict with the Interim Guidance.
- In the past 12 months Hambleton District Council Planning Committee has approved 8 applications for new houses, all against the wishes of the local Parish Council. East Harlsey Parish Council is in favour of limited development but a continuation of such approvals, this included, will change in a detrimental way the character of the village and thus conflict with the interim guidance. The Parish Council view was that a small increase in number of properties would be sustainable and would not adversely affect the character of the village. Since that translates to about 4-8 buildings in total and recent applications already exceed that minimum, the Parish Council believe we are close to the maximum of 8-10 properties in total. Since this property is not within the built form of the village and is outside the Interim Guidance of a maximum of 5 properties it should not, therefore, be approved.
- The application is for second tier development and, as such, would be the first example of second tier development to the north of the village street. Given that the character of the village is that it is a ribbon village with almost no second tier development this application would fundamentally change the character of the village and is, therefore, outside the Interim Guidance.
- The development is contrary to HDC policy on release of change of use of agricultural land to housing development.

4.2 Public comment – None received.

4.3 Highway Authority – No objection subject to conditions.

4.4 Yorkshire Water - No comments.

## **5.0 OBSERVATIONS**

- 5.1 The main considerations to take into account in the determination of this application are whether: (i) the principle of a dwelling in this location is acceptable; and whether the proposal would detrimentally impact on (ii) residential amenity and (iii) road safety.

Principle

- 5.2 The site is in an isolated rural location outside the built-up part of East Harlsey. Policies CP4 and DP9 state that development will only be granted for development outside Development Limits in exceptional circumstances, six of which are set out in CP4. The application does not claim any of the exceptional circumstances identified in the policy and as such the proposal would be a departure from the Development Plan.
- 5.3 It is also necessary to consider more recent national policy in the form of the National Planning Policy Framework. Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including; the needs of a rural worker; as optimal use of a heritage asset; reuse of a redundant building leading to enhancement of the immediate setting; or exceptional design. None of these exceptions are claimed by the proposal.
- 5.4 NPPF Paragraph 55 also 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".
- 5.5 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, in 2015, the Council adopted Interim Policy Guidance (IPG) relating to the settlement hierarchy and housing development in the rural areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and provides for a more flexible consideration of new development within and at the edge of settlements.
- 5.6 A supporting statement suggests that development is sustainably located in terms of East Harlsey village and, due to its position close to the existing buildings, should not be considered isolated. It suggests the development would be sustainable in economic, social and environmental terms, and is therefore supported by the NPPF.
- 5.7 Additional supporting information draws attention to a case in Hambleton (Old Tom's Barn, Scholla Lane, Bullamoor) where the Inspector considered building work to construct a new house would provide support to the economy and be sustainably located with regard to Northallerton. However, that decision rested on a misguided interpretation of policy CP4 and there are several other appeal decisions relating to broadly similar applications within Hambleton in recent years on which Inspectors have interpreted policy correctly and where the appeals have been dismissed as a consequence. The Bullamoor appeal decision is therefore not considered to be a determining factor in this case.
- 5.8 The IPG seeks to provide small scale organic growth which reflects the character of rural villages and appropriate small scale development in sustainable locations adjacent to the main built form of a settlement can be supported. As noted in paragraph 1.1, the application site is some way from the built up part of the settlement, with the access to the road being approximately 440 metres beyond the last house in the village on the same side of the road. The IPG indicates that proposals should be located "adjacent to the main built form of a settlement" and that

would clearly not be achieved in this case. As such, the proposal does not conform to criterion 2 of the IPG, which requires new development to reflect the existing built form and character of the village. The proposal is contrary to the policies of the Council and the principles which prevent new isolated homes in the countryside contained in the NPPF.

- 5.9 The applicant has also put forward particular social benefits of the development in terms of support for local primary schools, which they say are currently vulnerable to closure, through lack of numbers. It is not considered that a decision on this application would make the difference between a school remaining open and closing and therefore this point cannot justify approval of a new dwelling which is not otherwise acceptable, particularly taking into account that the IPG has already supported several family sized houses within and immediately adjacent to East Harlsey village, thus providing social benefits without undermining adopted local policy. The benefits put forward by the applicants in terms of potential economic and social benefits arising from a single dwelling are slight and are not considered to overcome the established principles against new houses in the countryside contained within the Council's adopted policies, and the principles of the NPPF.
- 5.10 The meaning of 'isolated' must be interpreted in the context of the general principles of sustainability contained in the NPPF and adopted policies, and cannot be considered to support new housing in the countryside based on proximity to existing rural buildings, without other justification.
- 5.11 Paragraph 17 of the NPPF has as its first principle that planning should be plan-led. Hambleton District Council has taken note of the approach of the NPPF and adapted the interpretation of its policies accordingly by means of the Interim Policy Guidance and is considered to be consistent with the NPPF on the issues under consideration here. Therefore development which is contrary to adopted policies should not be supported.
- 5.12 Additional supporting information submitted with the application draws attention to an appeal at Newton under Roseberry where innovative technology, referred to as Vibration Sun Technology was considered by the Inspector to justify an exception dwelling under NPPF paragraph 55 (together with other issues, similar to Old Tom's Barn). The applicant requests this be taken into account in the present application, and that permission be granted subject to a condition regarding the use of this technology. Further information suggests the technology concerned is a system to maximise the efficiency of various renewable energy sources however in the absence of details it is not demonstrated that the available technology is so innovative and exceptional as to justify approval of a dwelling in this case. In any event, there is no reason why the same technological benefits could not be gained from a development in an alternative policy-compliant location.

#### Residential amenity and road safety

- 5.13 If the development were otherwise acceptable in principle, issues to consider would include design (CP17 and DP32), amenity (CP1 and DP1), impact on the wider countryside (CP16 and DP30), and highway safety. These are not considered in detail here however there is scope for a scheme that would meet the requirements of these policies. However, access is for consideration at this stage. The use of the current access to serve an additional dwelling is unlikely to raise any highway safety concerns and it is noted that the Highway Authority has not objected to the application.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also isolated from the built form of East Harlsey village and cannot benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.