

**Parish: Huby**  
Ward: Huby  
**2**

Committee Date: 13 October 2013  
Officer dealing: Mr Andrew Thompson  
Target Date: 20 October 2016

**16/01941/FUL**

**Proposed construction of new dwelling  
At Edgewold, Easingwold Road, Huby  
For Miss Caroline Thompson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is 110 metres to the rear of the existing house of Edgewold which is to the western side of Easingwold Road. A plan has been submitted showing the layout of the ground floor and the immediate surroundings of the proposed dwelling. There are mature trees on three sides of the proposed dwelling and on the fourth side a range of buildings. The plan does not show the extent of the curtilage of either the existing or proposed dwelling or the means of access to the proposed dwelling.
- 1.2 Although the layout plan is imprecise it is evident that buildings shown on the plan are the existing buildings 130m to the west of Edgewold. The buildings are used for storage and keeping of animals and maintenance of the land.
- 1.3 The application proposes a two bedroom dormer bungalow next to the existing gate to the rear field and agricultural buildings. The building is shown to have a footprint of 79sqm, total floor area of 137sqm and height to ridge of 6.9m.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 07/01889/FUL - Two storey extension; Granted 8 August 2007.

**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 CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
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 DP30 - Landscape Character  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework (NPPF)

**4.0 CONSULTATIONS**

- 4.1 Parish Council – Object as this would set a precedent for backland development.
- 4.2 Highway Authority - No objection subject to site management and parking conditions
- 4.3 Public comment – one letter of objection making the following points:

- Edgewold has already been extensively extended to make a large family house;
- The application is purely for profit;
- The roof of the proposed property will be clearly visible from the objector's property;
- Building in the back garden would be out of character with the village;
- Approval would set a precedent for similar development;
- More traffic onto the road opposite a busy junction, where the school bus picks up by Edgewold's gateway; and
- A substantial amount of trees will have to be felled.

## 5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) access and parking; and (v) flooding.

### Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 Huby is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

### Character of the area

- 5.5 Criterion 2 of the IPG is of particular relevance in considering the likely impact of the proposal on the character of the area. It states "Development must be small in scale, reflecting the existing built form and character of the village". A single dwelling of the size proposed is clearly small-scale, so the acceptability of the proposal in this regards turns on how well it reflects the village's built form and character.

- 5.6 The site for the dwelling is to the rear of Edgewold and is therefore out of keeping with the surroundings that follow a linear pattern. Although there are a significant number of outbuildings and an exception to the linear pattern exists at New Grange, (a dwelling approved with an agricultural occupancy condition later overcome by a Certificate of Lawfulness) there are no 'backland' dwellings in a similar form to that proposed on the west side of the Sand Lane.
- 5.7 There are other agricultural buildings beyond the frontage dwellings on the west side of the Sand Lane to the rear of Edgewold and north of the dwelling. There are many dwellings on Shaw Crescent, Horner Avenue, Horner Close and White Rose Close to the east side of the Sand Lane. These do not alter the overall form of this part of the settlement that is confined to frontage development. The proposal would not follow this form and is therefore contrary to the second criterion of the IPG.
- 5.8 The site is well contained through landscaping and boundary treatment, though there is concern that tree removal would be required to create the proposed dwelling. Such removal would reduce the enclosure of the site. To the south of Edgewold dwellings are tightly defined by a clear boundary on to a field.
- 5.9 The IPG requires all criteria to be met, the proposal fails to meet the requirement of criterion 2 and therefore fails the tests of the IPG. The scheme cannot benefit from the relaxation afforded by the IPG from the controls of CP4 and the proposal is therefore contrary to the LDF.

#### Residential amenity

- 5.10 The proposal is separated from the existing property and neighbouring residents by significant distances. Taking into account the scale and mass of the proposed building, the separation distances between dwellings, it is considered that the proposal would not cause harm to the residential amenity of neighbouring properties.

#### Access and parking

- 5.11 The proposal would utilise an existing access track which runs from Sand Lane to the rear of the site to agricultural buildings and land. The existing access has good visibility and despite the lack of clarity of the plans it is considered that there would be adequate opportunity to turn and manoeuvre within the site. Therefore there are no concerns raised with regard to this issue.

#### Flooding

- 5.12 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. 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. The proposed development does not reflect the existing built form and character of the village as required by the 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).