

**Parish: Gatenby**

Ward: Bedale

**3**

Committee Date: 30 March 2017

Officer dealing: Mrs H Laws

Target Date: 7 April 2017

**16/02434/OUT**

**Outline application with details of access (all other matters reserved) for the construction of a dwelling and a detached garage at The Stables, Gatenby for Mrs Sarah Michael**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies centrally within the village of Gatenby, on the western side of the village street. The land is currently used for grazing and covers an area of approximately 0.1ha with access from a shared driveway serving The Granary and The Stables.
- 1.2 The site is bounded by a timber post and rail fence and, additionally by hedgerows to the front and side (east and south).
- 1.3 The application is in outline with all matters reserved except for access. It is proposed to construct a detached dwelling with a detached double garage on the site, with access from the existing shared driveway.
- 1.4 The Ward Member has requested that this application be determined by Planning Committee.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 None.

## **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 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 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 Meeting – No comment. (There is no Parish Council in Gatenby; the Parish Meeting is currently inactive.)

- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Swale & Ure Internal Drainage Board - The application states both foul effluent and SW drainage to soakaway but has provided no evidence that these systems will be effective. Please condition submission to and approval by the LPA of drainage details demonstrating feasibility and that the 2 systems will act independently.
- 4.4 Environmental Health Officer - The application site is sited less than 10 metres away from a barn which is not in the ownership or control of the applicant. A more intensive agricultural use of the barn could be undertaken which could cause an adverse effect on the residential amenity of the occupants. I would, therefore, recommend refusal of the application. No objection on contaminated land grounds.
- 4.5 Public comment - One objection as follows:
- The land is not designated as residential; it is currently used as a paddock/play area but is arable/farmland by definition;
  - The property would restrict the open view of The Granary in the southerly direction - this is a major element of the design of the property, with unrestricted views being the intention of the barn window. Any restriction would devalue the property;
  - Gatenby is a hamlet, not a village, with limited amenities. The opening of previous restrictions on the number of dwellings would change the character and nature of the village and would potentially lead to other planning applications;
  - The Stables/The Granary currently mark the start of the village, beyond the farms. The proposed property would extend the village outside its current residential boundaries, again, changing the character and nature of the village; and
  - Skilbeck House and The Granary currently have right of way over the proposed entry to the new property. A further right of way would change the basis on which these properties were purchased and is not acceptable.

## **5.0 OBSERVATIONS**

- 5.1 The issues to be considered include (i) the principle of development; (ii) the impact on the character of the area; (iii) the relationship to neighbouring properties; and (iv) highway matters.

### Principle of Development

- 5.2 In policy principle terms, Gatenby has no Development Limits but the village is defined within the updated settlement hierarchy as an Other Settlement. Policy CP4 sets out the exceptions whereby development outside settlement boundaries will be supported. In this case none of those exceptions has been put forward by the applicant to justify the proposed development and the proposal represents a departure from the Development Plan.
- 5.3 The National Planning Policy Framework (NPPF) published in March 2012, post-dates the Development Plan. Paragraph 55 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".
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Guidance Note (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.

- 5.5 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."
- 5.6 Gatenby is defined as an Other Settlement in the revised 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 guidance introduces the concept of clustering whereby settlements within approximately 2km of one another can form a sustainable cluster, offering support to services within that wider community. Gatenby has no facilities and it is located 4km and 5km respectively from facilities in Burneston and Leeming. Burneston has a primary school, a pub, and a post office; Leeming has a primary school, a pub and a village hall. The IPG advises that development in villages with no or few services or without convenient access to services in a nearby settlement within approximately 2km will not be considered sustainable.
- 5.7 The village is some distance from amenities and facilities in other villages that would enable the proposal to be sustainable and as such cannot benefit from support under the guidance.
- 5.8 It has been suggested that development in Gatenby may benefit from access to services and facilities at RAF Leeming, although the base does not meet the Development Plan or IPG definition of a settlement. Information has been sought on the nature of services and facilities at RAF Leeming and the base's policy on general public access to them and any information received will be reported to the meeting.

#### Impact on the character of the area

- 5.9 Development should also be considered in relation to the second criteria (i.e. development being small scale). Gatenby is a small settlement of only seven dwellings; therefore one additional dwelling represents a significant increase.
- 5.10 The IPG states that small scale development adjacent to the main built form of such settlements "will be supported where it results in incremental and organic growth". Gatenby is characterised by a variety of styles and types of mostly detached dwelling - some traditional, some modern new-build, some conversions. The construction of a

dwelling on the frontage of the village street would relate well to the generally linear form of the village.

- 5.11 Although not previously developed, the site is part of the village rather than the surrounding countryside and its development would not therefore affect the rural character of the landscape.
- 5.12 It is considered that the construction of a dwelling on this site would not detract from the character and appearance of the village or the surrounding countryside.

#### Residential amenity

- 5.13 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The view of the neighbouring property at The Granary is southwards towards the application site and therefore a dwelling on the application site would be clearly visible but at a distance of more than 30m from the affected windows. This would therefore affect the outlook from the windows but would not result in an increased sense of enclosure or have an overbearing impact or have a significant adverse impact on residential amenity and would not therefore have a detrimental impact contrary to Policy DP1.
- 5.14 There is an agricultural building adjacent to the application site that is not within the control of the applicant. This building is not currently used for an intensive agricultural use but could possibly be used more intensively in the future, for example the housing of livestock, without requiring permission from the Planning Authority. The Council's Environmental Health Officer has expressed some concern regarding the potential for the disturbance to be experienced by future residents. The building mostly comprises a Dutch barn element and therefore would require significant alteration but which may not be subject to planning control depending on the amount of work required, in order to be used more intensively. There is therefore the possibility that the use of this building could become more intense and adversely affect residential amenity of the future occupiers of the proposed dwelling, contrary to Policy DP1.

#### Highway Matters

- 5.15 The Highway Authority has no objection to the existing access serving an additional dwelling subject to conditions regarding parking and turning within the site.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. Gatenby is a village that is remotely located with no or few services and 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 proximity of the site to an existing agricultural building could give rise to noise, disturbance and odours that would adversely affect the amenity of the future residents of the proposed dwelling, contrary to LDF Policy DP1.