

**Parish: Low Worsall**  
Ward: Appleton Wiske & Smeatons  
**6**

Committee date: 30 March 2017  
Officer dealing: Mr K Ayrton  
Target date: 17 January 2017

**16/02574/OUT**

**Outline application with all matters reserved for a single dwelling  
At Churchfields, Low Worsall  
For Mr Peter Lancaster**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is on the south side of Low Worsall, which is at the northern edge of the District, close to the boundary of Stockton-On-Tees Borough Council. Low Worsall is relatively close to the market town of Yarm. The historic centre of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located close to the southern edge of the main built up area of the village, located on land within the ownership of the applicant who occupies Churchfields, which is a detached residential property accessed off Piersburgh Lane. Churchfields has an associated detached annex, which has a separate vehicular access; and a barn which is agricultural in appearance, located to the east of the application site.
- 1.3 The site is generally agricultural in appearance and relatively open to the north, albeit set well back from Stobarts Lane, which runs parallel with the northern boundary of the site.
- 1.4 The rear gardens of properties on Manor Close are located a short distance to the west of the site, separated by a strip of land and mature planting. The eastern boundary adjoins the site of the barn. To the south is a parcel of land that appears to be in use as a paddock. Further to the south is the Ship Inn and associated parking.
- 1.5 There is no existing vehicular access serving the site. Stobarts Lane is a public bridleway and there is a public footpath off Stobarts Lane, which heads south, passing the western boundary of the site.
- 1.6 The proposal is in outline form for the erection of a dwelling. All matters are reserved. The submitted site plan indicates a proposed drive, approximately 130m in length, linking the site with Stobarts Lane. This does not form part of the red line site boundary but is within land under the applicant's ownership.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/02653/OUT – Outline application for a dwelling; Withdrawn 24 February 2016.
- 2.2 16/00661/OUT – Outline application for a dwelling; Withdrawn 1 August 2016.
- 2.3 A recent appeal decision relating to the Ship Service Station is also of relevance. This related to application 16/00556/FUL (extensions and alterations to garage buildings to form a dwelling); Refused 24 June 2016, Appeal allowed 18 November 2016. In determining the appeal, the inspector considered the sustainability of Low Worsall and concluded:

“Given that the proposal is for a single dwelling and the availability of services and facilities in Low Worsall and Yarm and the options for more sustainable travel modes to be used, I do not consider that the proposal would give rise to significant harm in respect of additional travel by private car. I have considered that the distances to the nearest shop and school exceeds the distance set out in the IPG, but on the balance of evidence before me, I consider that the appeal site has convenient access to them and is sufficiently close to the services and facilities in Low Worsall and those in Yarm. Consequently, I consider that the appeal site to be in a sustainable location in terms of the IPG and paragraph 55 of the Framework.”

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Core Policy CP2 - Access  
Core Policy CP4 - Settlement hierarchy  
Core Policy CP16 – Protecting and enhancing natural and man-made assets  
Core Policy CP17 – Promote high quality design  
Core Policy CP21 – Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 - Access for all  
Development Policy DP10 – Form and character of settlements  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 – General Design  
Interim Policy 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 objection.

4.2 Highway Authority – Stobarts Lane and Piersburgh Lane are both public bridleways, however, they are not adopted public highway. The applicant will, therefore, need to ensure there is a vehicular right of way to the proposed development.

There has been in the past concern expressed with the use of the Piersburgh Lane junction with the B1264 as there is substandard visibility to the east. The Highway Authority would normally resist any application that would increase the use of this junction. It is however difficult to determine which way vehicles would access the site as they may well use Village Road to gain access to and from the B1264. Consequently a Highway Authority recommendation for refusal may be difficult to sustain on this occasion.

4.3 Northumbrian Water – No comment.

4.4 Environmental Healthy Officer (contaminated land) – No objection.

4.5 Public comments – Nine objections have been received; summarised below:

- The access route is unsuitable and is a bridleway;
- Sewerage and water cannot be provided to the site;
- There are few amenities in the village;
- There is no public transport servicing the village;
- Detrimental impact on ecology, in particular newts;

- There is no need for housing development in this location;
- Loss of amenity on the bridleway; and
- Approval of this scheme will set a precedent for further development in the village.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) highway safety and iv) the impact on residential amenity in the vicinity of the application site.

### Principle

- 5.2 Low Worsall does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances 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 consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 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 In the Settlement Hierarchy reproduced in the IPG Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 The nearest settlement is that of Yarm, which is located within Stockton Borough Council. This would be the equivalent of a Service Centre. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the northern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway adjacent to the main road between Low Worsall and Yarm.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicates that it is able to provide amenities to Low Worsall. The distance between Low Worsall and Yarm exceed the guidance in the IPG.
- 5.8 Whilst the guideline distance is not met, the recent appeal decision relating to the Ship Service Station is an important material consideration. The inspector recognised that the distances set out in the IPG were exceeded. However, they were still content that the appeal site (which is located a short distance to the south of the application site) has convenient access to the services and facilities in Yarm for it to be considered a sustainable location in the terms of paragraph 55 of the National Planning Policy Framework.
- 5.9 Considering that the appeal decision was recently made, the Council would struggle to arrive at a different conclusion to that of the appeal inspector. Therefore it is concluded that Low Worsall can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

#### Character and appearance

- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings and in this instance only one dwelling is proposed. Therefore the scale of development is acceptable.
- 5.11 Whilst relatively close to the main built up area of the village, the application site is clearly separate from the main built form of the village. It is viewed in the context of its more open surrounds and adjoining agricultural building as opposed to the nearby properties on Manor Close, which turn their back on the site, and are screened by a mature strip of landscaping. The site has more in common with the open countryside rather than the built form of the village. Whilst in outline form, the site is clearly separated visually from the main body of the village and effectively sits on its own in open countryside.
- 5.12 Any form of siting within the application site would result in a development which would not reflect the form and character of the settlement of Low Worsall and is considered to be harmful to the character and form of the village. This is contrary to the IPG, Core Policy CP16 and Development Policy DP30, which are concerned with protecting the character and appearance of the countryside and requiring development to reflect the existing built form.
- 5.13 There is also additional concern with the proposed drive, which would have to extend for some 130m from Stobarts Lane and would therefore contribute further to the harm caused by the development to the character and appearance of the countryside.

#### Highway safety

- 5.14 It is proposed that the site be accessed from Stobarts Lane, which is a narrow lane to the north of the site. The access would extend some 130m across an open field to the site. A public Bridleway runs along the field boundary to the west of the proposed access road which adjoins Stobarts Lane in the same location as the proposed access.
- 5.15 The local highway authority has not raised any objection to the proposed development.

#### Residential Amenity

- 5.16 All matters are reserved and as such should outline permission be granted the specific impacts of development can be addressed through any reserved matters application. The site is not located in close proximity to any existing residential property and it is considered that the site could be laid out in a manner which would protect residential amenity in the vicinity of the application site.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason(s):
1. The proposal represents development in a location outside of the Development Limits of a village within 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 and the National Planning Policy Framework.
  2. The application site is not considered to be capable of benefiting from the provisions of the Council's Interim Policy Guidance Note on housing - Development in Villages. The proposed dwelling in this location is considered to be harmful to the development form of the village and to the open character of the countryside surrounding the village. The proposed development is considered to be contrary to the Interim Policy Guidance Note on housing in smaller settlements and Policy CP16 and DP30 of the adopted Hambleton Local Development Framework