

Parish: Hushwaite
Ward: Raskelf & White Horse
7

Committee date: 14 September 2017
Officer dealing: Laura Chambers
Target date: 21 September 2017

17/01331/OUT

Outline planning application, including access, with all other matters reserved for a single residential dwelling
At Land at Bye Green, Low Street, Hushwaite
For Mr Thomas Carter

This application is referred to Planning Committee as the proposals are a departure from the development plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a grazing field, part of a small holding to the north of properties on Low Street, at the western extent of the village of Hushwaite. The site is beyond the development limits and conservation area boundary of the village, which closely follow the existing dwellings on Low Street.
- 1.2 Access to the site is taken between existing dwellings from Low Street; it is not proposed to change this arrangement. The application site is located between existing dwellings to the south of the field and the agricultural and commercial buildings to the north, related to the small holding and machine repairs workshop.
- 1.3 Outline approval is sought for a single dwelling, it is proposed to utilise the existing access to the Bye Green site to the east of number 1 West Terrace, Low Street. All other matters including appearance, layout, scale and landscaping are reserved and would be dealt with by a subsequent application should this be approved. Notwithstanding this, the application includes an indicative layout showing a detached dwelling located centrally within the plot at the rear of 1-3 West Terrace, Low Street.
- 1.4 The matters for approval at this stage are access with all other matters, i.e. appearance, landscaping, layout and scale to be considered at a later stage if this application is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01791/CLE – Application for Certificate of Lawfulness in respect of siting of residential caravan, refused.

08/04720/FUL – Private Gypsy site for 1no household, refused.

16/02401/FUL – Retrospective application for change of use of agricultural building to general machine/contractor repair, approved.

17/00229/FUL – Retrospective application for an agricultural extension to an existing building, approved.

17/00180/CAT3 – Alleged breach of working hours condition, ongoing.

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP13 – Achieving and maintaining the right mix
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – wish to see the application refused, the site is beyond development limits and does not respect the existing character of development, if outline approval were to be granted we propose an agricultural occupancy condition.
- 4.2 Highway Authority – no objections
- 4.3 Environmental Health – no objections
- 4.4 Contaminated Land – no objections
- 4.5 Yorkshire Water – no objections subject to conditions
- 4.6 Public comments – following public consultation one objection has been received, as summarised below:
- Outside development limits,
 - Approval would set a precedent,
 - Proposals would change the linear character of the village,
 - Adjacent site operates outside of permitted hours,
 - Single storey dwelling would be most appropriate if approved.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) highway safety; (iii) residential amenity and; (iv) design.

Principle of Development

- 5.2 The site falls outside of Development Limits of Husthwaite, Policy CP4 states that all development should normally be within the Development Limits of settlements.

Policy DP9 states that development will only be granted for development "in exceptional circumstances". 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).

- 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 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, Husthwaite is defined as a service village and the site is immediately adjacent to development limits, as such services would be readily accessible. The site is therefore considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. The proposal for a single dwelling would meet with the requirements within the IPG for development to be small scale. The development would not result in the coalescence of settlements due to its scale and proximity to the existing built form of the village.
- 5.5 Notwithstanding the above, it is also necessary to consider whether the proposed development would reflect the existing built form and character of the village. Husthwaite has a linear character with properties fronting Low Street, High Street and The Nookin with the village green acting as the centre point of the village where these three streets intersect. There are limited exceptions to this development form which are mainly non-residential developments including the primary school to the south of the application site and the agricultural/commercial buildings within the applicant's ownership to the north.
- 5.6 On entering the village on Low Street from the west the road sweeps up in levels with the first impression being of the cemetery to the south side of the road and a strong line of dwellings fronting the road starting with West Terrace indicating the beginning of the settlement. The proposed development would not contribute to or follow this building line, instead it would sit to the rear of the terrace at odds with the established orientation, form and character.
- 5.7 It is apparent on entering the village at this point that there are a range of outbuildings that would be expected in a rural village location and denote the change from the settlement into open countryside, introducing an additional dwelling between these two would be evident from views entering the village and would alter the character of the area. The application suggests landscaping could screen the proposed dwelling from views from the road. However, this in itself would introduce an alien feature that would detract from the existing openness of the site within the rural backdrop.
- 5.8 The applicant has indicated that if the Council are not satisfied that an open market property would be appropriate in this location they would be willing to accept an agricultural occupancy condition restricting the property to one linked to the small holding rather than an independent unit. The introduction of an agricultural workers dwelling would only be considered appropriate where there is an evidenced need for workers to be present on site at all times; there is no justification provided by the

applicant to suggest why it would be necessary to allow a dwelling that would otherwise be unacceptable in support of the small holding.

Highways Safety

- 5.9 It is proposed that an existing private drive from the main road would be utilised to serve the existing small holding and workshop use, as well as the proposed dwelling. Although immediately adjacent to another residential property the level of passing vehicles from a dwelling would be unlikely to materially alter the potential for noise disturbance than is generated by the existing small holding and workshop uses. The size of the site would be sufficient to accommodate a dwelling with an adequate level of car parking should the principle of development be considered acceptable.
- 5.10 The Highway Authority have raised no objections to use of the existing access and have requested no conditions be applied should approval be recommended.

Residential Amenity

- 5.11 The size of the site is sufficiently large that a dwelling could be located on the site while ensuring appropriate separation distances between it and existing dwellings and as such there is no reason to believe an appropriate window arrangement could not be achieved that did not infringe upon the privacy of neighbouring occupiers.
- 5.12 The existing small holding and workshop would have the potential to generate noise that could be detrimental to the amenity of future occupiers of the proposed dwelling. However, Environmental Health have advised they have not received complaints from existing residents that would suggest an existing issue with noise nuisance. On that basis the EHO believes there will be no significant impact on local amenity and therefore raises no objections.
- 5.13 Concerns have been raised regarding the hours of operation of the adjacent small holding and workshop, these are currently under investigation by the Planning Enforcement team but in any event would not be a material consideration in determining the principle of residential development.

Design

- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.16 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.17 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.18 The application does not propose a major form of development and as such formal public consultation prior to application is not a requirement and has not been carried out. The application is nevertheless accompanied by a supporting Design and Access Statement that sets out justification for the proposals.
- 5.19 The Statement describes the character of the surrounding area as an historic village with varying historic styles set within open countryside and takes reference from the Husthwaite Parish Plan with regards to development of the village and its character. The site is a grazing field and as a result there are no physical features identified as warranting retention.
- 5.20 The statement does not include any evidence of other development options being considered, although as this application is in outline only it is the principle of a dwelling in this location that is being assessed rather than specific details of layout, scale or appearance which would be dealt with at reserved matters stage. As outlined earlier in the report, the introduction of buildings in the location proposed is not considered a logical extension to the village that respects the existing built form and as such in general terms the design would not be appropriate.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
 - 1. The location of the proposed development would not respect the character and built form of the village, and would not therefore be a logical extension to the village. The proposed development is not considered to comply with the criteria set out in the Hambleton Interim Policy Guidance note. The proposals are not considered to comply with Policies CP4, DP9, DP10, CP16, DP32, CP17, DP32 and DP33 of the adopted Hambleton Local Development Framework, Development Policies Document.