

**Parish: Brafferton**  
Ward: Raskelf & White Horse  
**2**

Committee Date: 12 October 2017  
Officer dealing: Mr T J Wood  
Target Date: 16 August 2016  
Extension of time (if agreed): 21 September 2017

**16/01142/OUT**

**Outline planning application for up to 28 dwellings and means of vehicular access with all other matters reserved**  
**At land to the east of Boroughbridge Road, Brafferton**  
**For Brafferton Manor Farmers**

**This application is referred to Planning Committee as the application is a departure from the Development Plan**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The 1.2 hectare application site is roughly rectangular and lies on the north side of the village of Brafferton. The land is undeveloped and in use as grazing land. It falls gently from north west to south east, bounded to the north by The Old Parsonage and to the south by Brafferton Manor. To the east is open agricultural land. To the west are roadside trees growing within a grass verge that is higher than the highway. On the west side of Boroughbridge Road is the modern residential development of St Peters Close; this was formed by new build and conversion of former agricultural buildings.
- 1.2 Other than the trees that stand on the western boundary and the gentle undulation of the land there are no special characteristics within the site. The site lies outside the Development Limits defined around the joint villages of Brafferton and Helperby. The Brafferton/Helperby Conservation Area abuts the site at its south west corner. The site is in Flood Zone 1 and is therefore considered to be at the lowest risk of flooding. Drainage of surface water is proposed to mimic the greenfield run-off rates. Foul water is proposed to discharge to the public sewer in Boroughbridge Road.
- 1.3 The application forms show the provision of 28 market dwellings giving no detail of the size of the dwellings and no indication that affordable housing units are proposed. Whilst a plan for the layout of housing has been submitted this is only indicative as the details of all matters other than access (appearance, landscaping, layout and scale) are reserved for later approval. However, with 28 dwellings, the proposal would achieve a density of 24 dwellings per hectare (dph). Neighbouring developments have both lower and higher densities on St Peter's Close the density is 22 dph, Balk Avenue 27 dph and Manor Drive 31 dph.
- 1.4 The proposal seeks approval in detail for access to the land. A plan shows the provision of a 5.5m wide access from Boroughbridge Road with visibility splay of 2.4 x 43m along the channel lines of the major road to the south and 2.4 x 90m to the north. Two trees would be removed for the formation of the access and hedgerow removal would also be required to secure the visibility splay to the north.
- 1.5 A Statement of Community Involvement has been prepared noting that a consultation letter with information and questionnaire was sent to 78 dwellings and businesses, the Parish Council and the Ward Member. The statement records that 22 responses were received, with 57% of those replying giving either full or broad support to the proposal. Whilst little support was recorded for the layout (fewer than 20% of respondents expressed support for it) the need for additional housing to include starter homes and semi-detached dwellings received most support with lesser

support for detached and town houses and less for retirement and older persons' housing than for starter homes and semi-detached dwellings.

- 1.6 The planning statement submitted alongside the application seeks to argue that there is a need to provide more housing within the district and specifically notes the December 2015 appeal decision at Stillington Road, Easingwold, in which the appellant argued that at least 637 dwellings per annum were required to meet the district's Objectively Assessed Needs (OAN) for housing.
- 1.7 Since the submission of the application the Council's Rural Housing Enabler has been in correspondence with the newly formed Brafferton Community Benefit Society that seeks to deliver (amongst other things) a community led housing scheme of eight dwellings. The applicant's agent has confirmed that they wish to assist and make land available for the Community Benefit Society to develop affordable housing for local people. The agent also notes that the scheme remains a proposal for 28 dwellings.
- 1.8 The application was supported by a Planning Statement, Ecological Report and Tree Survey and Transport Statement including detail of the proposed access.

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

- 2.1 There is no relevant planning or enforcement history.

## **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 CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
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 DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP37 - Open space, sport and recreation  
Interim Guidance Note - adopted by Council on 7th April 2015

## 4.0 CONSULTATION

### 4.1 Brafferton Parish Council – Objects, raising concerns on four matters:

- (i) The access is unsafe; too close to a bend that limits visibility to vehicles travelling north;
- (ii) Sewer capacity – concern of overloading and increased use of storm overloads discharging to the River Swale;
- (iii) The proposed density is too high and out of character, increasing the number of dwellings in Brafferton by about one third; and
- (iv) The housing mix should reflect needs for smaller and affordable homes.

The Council also notes that there is poor mobile phone coverage in the area.

### 4.2 Highway Authority – No objection subject to conditions. Advises that the footways on the site frontage would need to be widened to benefit pedestrians and secure the required visibility.

### 4.3 Yorkshire Water – Objects on the ground that the Flood Risk Assessment is not satisfactory as currently shown. The report indicates sub-soil conditions do not support the use of soakaways, however, no proof of soil testing is provided in the report. Additionally, the report indicates a direct connection to watercourse would be impractical due to crossing third party land, with this regard some proof of investigations is required. A pond to the east of the site should also be included in the report as an option. There is no capacity in the foul water sewer for any surface water.

If planning permission were be granted, conditions should be imposed to require the approval of details of discharge of surface water. (No representations are made in the response in respect of the proposed discharge of foul water to the sewer in Boroughbridge Road.)

### 4.4 Natural England – No comment on the proposal other than to note it is not likely to result in significant impact on statutorily designated nature conservation sites or landscapes.

### 4.5 Ministry of Defence – No safeguarding objection.

### 4.6 Environmental Health Officer – Objects on the ground that that the applicant's preliminary assessment of land contamination is insufficient and a phase 1 assessment should be provided. In the absence of sufficient information to make an informed decision the application is recommended for refusal.

### 4.7 Yorkshire Wildlife Trust – Objects. Notes that the ecological assessment provided does not include a Great Crested Newt (GCN) survey, which is recommended due to the proximity of a suitable pond. The presence of a GCN is a material consideration and could affect the layout and density of the development. More information is required.

### 4.8 Public comments – Seven representations have been received. Five objections make reference to:

- Overdevelopment of a greenfield site;
- Loss of greenspace on the edge of the village;
- Housing should take place on the land off Back Lane including the allocated site;

- Housing need does not support a scheme of 28 dwellings no need for additional housing;
- Lack of infrastructure to accommodate needs of residents of the additional homes (lacking public transport, lack capacity at the village school, lack of childrens play park, lack of post office, poorly maintained roads);
- Setting a precedent for development of other greenfield sites;
- Increased traffic;
- Dangerous access with poor visibility;
- Traffic calming required to reduce traffic speeds;
- Overlooking to main rooms in the neighbouring property to the north, The Old Parsonage;
- The layout should be designed to look on to the village street not away from it;
- Development would remove rural views enjoyed by neighbours;
- Construction impacts on amenity of neighbours;
- Occupiers will not contribute to village life; and
- Impact on house prices due to increased supply.

Support has been expressed by two respondents, one giving no reason, the other stating:

- A hope that the development will enhance local facilities; and
- The opinion that the scheme would not be of detriment to the area.

## 5.0 OBSERVATIONS

- 5.1 The main issues to be considered are (i) whether the scheme is sustainable development that can be supported despite the fact that it is a departure from the Development Plan; (ii) whether the proposal is within the scope of the Interim Policy Guidance to enable support for the development; (iii) affordable housing and the suggestion of a community-led housing initiative; (iv) design and community engagement; (v) ecology; and (vi) whether the application should be considered favourably because of a local under-supply of housing.

### Sustainability and the Development Plan

- 5.2 The Planning and Compulsory Purchase Act 2004 states at Section 38(6) that if regard is to be had to the Development Plan in any determination; that determination shall be in accordance with the plan unless material considerations indicate otherwise. Section 38(5) requires that where policies in the Development Plan conflict, that conflict must be resolved in favour of the last adopted document.
- 5.3 As noted above it is necessary to considered whether material considerations may outweigh the policies of the Local Development Framework.
- 5.4 The site is outside the Development Limits of Brafferton and Helperby a settlement that is a Service Village within the hierarchy of the CP4. 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".

#### Interim Policy Guidance (IPG)

- 5.5 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.
- 5.6 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.
- 5.7 The first IPG issue to consider is whether the proposal would support local services. The settlements of Brafferton/Helperby are identified together as a Service Village in the Settlement Hierarchy in the Core Strategy and in the 2014 update. Brafferton and Helperby are therefore considered a sustainable location for small scale development by the IPG. The question of scale is considered below but the Service Village designation means that the village can be considered an appropriate location for housing that otherwise accords with the IPG.
- 5.8 The IPG advises that small scale would normally be considered to comprise up to five dwellings but that the number in each proposal must be considered on its own merit taking into account the scale and unique character and appearance of the settlement. As noted by correspondents, the adjoining village of Brafferton is relatively small, however it should be considered alongside Helperby. The proposal of 28 dwellings would nonetheless be an uncommonly large development for the two villages. The last development of comparable scale, Balk Avenue, comprises 27 terraced and semi-detached dwellings and bungalows, completed in the 1980s. The proposal would therefore be substantially larger than any other housing development undertaken in Brafferton and Helperby in recent years. Both in terms of land take and the number of new buildings the St Peter's Close scheme opposite the site is considerable smaller than the proposed development.
- 5.9 Furthermore, and like Development Plan policies, the second IPG criterion requires development to reflect the built form and character of the village while the third criterion expects it to avoid any detrimental impact on the natural, built and historic environment. The indicative plan shows how the development could replicate the general layout of Manor Drive with two cul-de-sacs with dwellings set at a splay at the

northern end. The development however would not reflect the historic pattern of development in the village that is characterised by frontage development to the streets with clusters of dwellings to the rear. The scale of development proposed would not lend itself to a form of development that continues the historic street pattern and pattern of development. The position and orientation of The Old Parsonage to the north and Brafferton Manor to the south of the site provides a further challenge to achieve a layout that responds to and respects the form of development. The scale of development proposed and detailed on the indicative plan is considered to be likely to give rise to the harm to the setting of those properties that benefit from the spacious surroundings and openness and undeveloped appearance of the land beyond their curtilages.

- 5.10 It is acknowledged that layout is reserved for future consideration, so the illustrative layout cannot be treated as definitive at this stage. However, it does show that in order to achieve as many as 28 dwellings, the site would have to be laid out in a way that has insufficient regard for the built environment of Brafferton and its rural setting. The proposed development is therefore neither small scale nor sympathetic to character of the settlement and therefore does not conform to the second and third criteria of the IPG.
- 5.11 With the exception of some twentieth century additions that would not conform to current design expectations, Brafferton exhibits a typical porous boundary between its built area and the surrounding countryside. The scale and density of development envisaged and shown in the illustrative layout would present a sudden and unsympathetic transition to the adjacent countryside and therefore would fail IPG criterion 4.
- 5.12 As noted the layout would affect the setting of Brafferton Manor, a substantial dwelling that due to its prominent position with large gardens at edge of the settlement and a gateway feature to the Brafferton Conservation Area, is important to the setting of the Conservation Area, and the layout would also affect the setting of the Conservation Area as the openness of the grazing land beyond the northern boundary of the Conservation Area would be removed. This loss of open aspect from the Conservation Area would not preserve or enhance the character of the Conservation Area and is therefore contrary to the provisions of the LDF Policies CP16 and DP28. The scheme would restrict views of the open countryside at the edge of the settlement that from the highway and footway through the line of trees on the Boroughbridge Road frontage and is therefore contrary to the second, third and fourth criteria of the IPG due to the scale, harm to the setting of the Conservation Area and impact on the loss of openness of the countryside.
- 5.13 In terms of the proposal's impact on infrastructure, the fifth IPG criterion, the footway width between the site and the centre of the village is severely restricted between the garden wall of Brafferton Manor and the wall of the dwelling and garden wall and railings of Old Manor House. The width of the footpath does not meet current design standards and this would become more apparent if it had to cater for as many as 28 more dwellings. Concerns have been raised by neighbours relating to the speed of traffic. It is considered that the limited forward visibility for motorists coupled with the narrow footway is such that the quality of the route for pedestrians is substantially reduced. An alternative route for pedestrians is available to link the site to the services within the settlement via a public footway through St Peter's Close to School Terrace. A footway on the application site frontage could be formed to a crossing point of Boroughbridge Road to link to St Peter's Close.
- 5.14 There is doubt regarding the capacity of the facilities to dispose of surface water from the site. However the applicant controls substantial areas of land to the east and lower than the application site. It is therefore reasonable to conclude that appropriate

drainage provision could be made and that the scheme would not result in pollution or cause flooding. There is no evidence to conclude that the scheme would exceed the capacity of other infrastructure or that where expansion of infrastructure could not be provided to meet the needs of residents within the development (such as education or health facilities) prior to the occupation of the development.

- 5.15 Concern has been raised in the responses of neighbours at the lack of children's play facilities in the village. The policy of the LDF requires appropriate recreation facilities are available to meet the needs of new development, DP37 and the Open Space, Sport and Recreation Supplementary Planning Document identifies that for housing schemes of more than ten units amenity green space and play areas for children will be required. The needs for children's play should therefore be addressed in any proposed layout. The application is silent on this matter, although the illustrative layout includes a small area between plots 13 and 14 that may be intended to serve as amenity space. However, given that layout is yet to be considered it remains possible that appropriate play facilities to meet the needs of new occupiers could be included. On the evidence available it is considered that the scheme can achieve the requirements of the fifth criteria of the IPG.

#### Affordable and community-led housing

- 5.16 The application indicates that the development would include "an element of affordable housing, the percentage of which is to be negotiated with the Council". No other of affordable housing has been made. The site lies within the hinterland of Easingwold where the proportion of affordable housing required by Policy CP9 is 50%.
- 5.17 Discussion between the applicant, the Council's Rural Housing Enabler and the newly formed Community Benefit Society in Brafferton/Helperby has resulted in an undertaking to allow the Community Benefit Society to run the affordable housing that could be provided on the site. The Community Benefit Society seeks to provide affordable housing for local people, and aim to provide eight dwellings to meet local needs. No specification of the Community Benefit Society proposal has been provided and it is not possible to confirm whether it would meet the requirements of the Council's policy. The LDF does not contain policies relating to Community Led Housing, although Policy CP9A allows for Rural Exception Sites for the provision of affordable housing to meet local needs. Any proposal for a special type or means of delivery of housing would have to be considered on its merits. However a response to a request for clarification of the detail of the offer of land for Community Led Housing has not been forthcoming. It remains that there is no formal proposal for the provision of any affordable housing or housing to be provided through a community initiative. Even if a proposal was made to deliver the eight units sought by the Community Benefit Society this would be 28% of the total of 28 dwellings and would fall well short of the 50% target set out in the Policy CP9. As a consequence it is considered that only very limited weight can be given to the matter of Community Led Housing in the absence of clear detail.

#### Design and community engagement

- 5.18 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." This has already been discussed in the preceding paragraphs of this report.

- 5.19 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.
- 5.20 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.”
- 5.21 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.
- 5.22 The Design and Access statement was prepared in May 2016 and does not incorporate detail of why the proposal has been made in the form presented or whether alternative forms of development were considered, it does, however, acknowledge that the reserved matters details would be influenced by the outcome of the consultation exercise that has been undertaken (in accordance with the Council’s SCI prior to the submission of this outline application).
- 5.23 The Statement describes the character of the surrounding area noting the relationship to the village and the countryside and the Conservation Area status of Brafferton. The value of the trees on the site frontage is recognised and the layout of the access allows for the retention of the larger trees. The statement does not include any evidence of other development options being considered.
- 5.24 The Statement does, however, confirm that invitations to comment on the emerging proposal were sent to 78 nearby residential addresses and to the Parish Council. Recipients were asked to state whether they (a) fully supported, (b) broadly supported, (c) did not support, or (d) were undecided about the proposed development. The applicant received 21 answers to these questions and claims 57% support from those who either fully supported (five respondents) or broadly supported (seven respondents). The views of the 57 residents who did not reply are, of course, unknown.

#### Ecology

- 5.25 There are no records of features within the site of importance to the natural, built or historic environment. There is potential for GCN’s to have access to the site. A pond over 250m to the north east of the site beyond arable farm land has the potential to support a population of GCNs. The ecology report submitted with the application finds that the use of the pond for angling and separation distance of over 250m of agricultural land makes any amphibians in the pond unlikely to access the application site. A further pond closer to the site but on the west side of Boroughbridge Road is noted to have some potential to have a GCN population. The report advises that if following additional survey work a population of GCNs is found in this pond to the north then this may have a bearing on the on the design of the site layout. A condition is identified as appropriate to control the development to protect any GCNs.

#### Supply of housing



- 5.26 The planning statement submitted alongside the application seeks to argue that there is a need to provide more housing within the district and specifically notes the December 2015 appeal decision at Stillington Road, Easingwold, in which the appellant argued that at least 637 dwellings per annum were required to meet the district's Objectively Assessed Needs (OAN) for housing.
- 5.27 Since the preparation of the applicant's statement the Council has published a Strategic Housing Market Assessment, reporting a OAN of 274 dwelling per annum. The applicant's agent notes that the updated OAN has not been the subject of independent examination and argues that its use is therefore premature. However, the most significant factors influencing the reduced OAN are revised population and household growth projections published by the Office of National Statistics and the Department of Communities and Local Government. It is therefore considered that the methodology, which is being used in the preparation of the new Local Plan, is robust and may be relied on safely in determining this application.
- 5.28 As an additional consideration, the Government has published a consultation paper (Planning for the right homes in the right places) which indicates a significant further reduction in the annual needs for new homes in Hambleton. A "Housing need consultation data table" published alongside the consultation paper states the indicative assessment of housing need based on the proposed formula in the consultation document for 2016 to 2026 and states the annual requirement for Hambleton to be 226 dwellings. Whilst very little weight can be afforded to the Government's consultation proposal of itself, it follows thorough consideration and advice provided by the Local Plan Expert Group, and confirms that current thinking does not support the over-inflated OAN figures that were put forward in appeals in previous years.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal is contrary to the Local Development Framework Core Strategy Policies CP1, CP2, CP4, CP16 and CP17 and cannot receive support through the Council's Interim Policy Guidance (IPG) as the proposal is not small in scale, and fails to respect the character of the settlement of Brafferton or the setting of the neighbouring properties of Brafferton Manor and The Old Parsonage. The scale of development proposed and detailed on the indicative plan is considered to be likely to give rise to the harm to the setting of those properties that benefit from the spacious surroundings and openness and undeveloped appearance of the land beyond their curtilages. The development would not reflect the historic pattern of development in the village that is characterised by frontage development to the streets with clusters of dwellings to the rear. The scale of development proposed would not lend itself to a form of development that continues the historic street pattern and pattern of development. The scale and density of development envisaged and shown in the illustrative layout would present a sudden and unsympathetic transition to the adjacent countryside and therefore would fail the requirements of the IPG.
  2. The failure to preserve or enhance the character and appearance of the Conservation Area is in conflict with the Local Development Framework Core Strategy Policies CP16 and DP28 the scheme would harm the setting of the Conservation Area due to the scale, form and density of the proposed development.
  3. The scheme provides no affordable housing, the applicant has not provided evidence to show that the scheme would be unviable if affordable housing was provided and the proposal is therefore contrary to Local Development Framework Policy CP9 and

would not meet the needs of the local community contrary to Local Development Framework Policy DP13.

Informative

1. Hambleton District has a housing land supply greater than 8 years and is therefore substantially in excess of the 5 years plus buffer required by the NPPF. Accordingly additional development proposed in this application, contrary to the Development Plan, cannot be justified as being necessary.