

Parish: Aiskew
Ward: Bedale
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Committee date: 11 January 2018
Officer dealing: Mrs H Laws
Target date: 11 January 2018

17/02422/OUT

Outline application for the construction of three dwellings with access from Bedale Road (all other matters reserved)

At: Land adjacent to Peace Haven, 93 Bedale Road, Aiskew
For: Mr G E Harrison

This application is referred to Planning Committee at the request of Councillor Noone

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which forms part of a paddock, lies on the northern side of Bedale Road, to the west of the A1(M) and parallel A6055 road, which are positioned on road bridges set at a higher level than Bedale Road and the application site. A section of the paddock is excluded from the application site boundary and this separates the application site from the roads above.
- 1.2 The site lies almost midway between the villages of Aiskew to the south west and Leeming Bar to the north east and is outside the Development Limits of both settlements. It lies immediately adjacent to the dwelling at 93 Bedale Road (also known as Peace Haven), which is a single storey bungalow.
- 1.3 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved except for access. The site for the three dwellings covers an area of approximately 0.25 hectares and is bordered to the south east by a timber post and rail fence that fronts onto Bedale Road. The site is set higher than the road and the highway verge slopes down steeply from the fence.
- 1.4 The only matter for approval at this stage is access, which would be taken from Bedale Road. Access to the existing bungalow lies to the south west of the property and the driveway leads to the rear of the dwelling. It is proposed to use the same access to serve the application site with an access track running behind number 93, parallel to the Wensleydale Railway. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00318/OUT – Outline application with some matters reserved for the construction of five dwellings (with access considered); Withdrawn 31 March 2017. This covered a larger site area than the current application.
- 2.2 17/01737/OUT - Outline application with some matters reserved for the construction of three new dwellings; Refused 2 October 2017 for the following reasons:
 1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.

2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the scale and location of the development would fail to respect the character and appearance of this rural countryside setting, would lead to the coalescence of settlements and would therefore have a detrimental effect on the immediate environment.

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 DP13 - Housing Mix
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No objection.
- 4.4 Environmental Health Officer - The site is not ideally situated. It lies opposite Leeming Services (which I understand has permission to develop further), is adjacent to the A1 and backs onto the Wensleydale Railway. Any proposal would need to clearly show how the amenity levels within and outside the dwellings could be adequately protected.
- 4.5 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of additional dwellings in this location; (ii) the effect of the development on the character and appearance of the surrounding rural landscape; (iii) the impact of the proposal on the amenity of existing and proposed residents; and (iv) highway safety.

Principle

- 5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions, none of which are considered to apply in this case. The location is not therefore defined within Policy CP4 as sustainable.
- 5.3 The NPPF, in paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- i. the essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - ii. where the development would be the optimal viable use of a heritage asset or would be appropriate enable development to secure the future of a heritage asset;
 - iii. where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - iv. the exceptional quality or innovative nature of the design of the dwelling.
- 5.4 It is considered that none of the above criteria apply in this instance.
- 5.5 The Council's Interim Policy Guidance (IPG) on development in villages focusses on the scope for development within and at the edge of villages and does not make specific reference to new development in the wider countryside. The guidance makes reference to development that will support local services in a village nearby. The site is within walking distance of both Aiskew and Leeming Bar, along a well-lit footway. Existing facilities in these villages include a school, shops and pubs. The site is also close to the Leeming Bar Industrial Estate and therefore places of work. The site is also in close proximity to the Motel Leeming motorway services.
- 5.6 However, in order to draw support from the IPG the site must "provide a natural infill or extension to an existing settlement". The dwellings would be approximately 550 metres from the Development Limits of Aiskew and therefore too far away to be considered a natural infill or extension to that settlement. The site is closer to the Development Limits of Leeming Bar but is separated from them and the village by the elevated A1(M) and A6055, which form a significant physical and visual barrier. The site is therefore not viewed as a natural infill or extension of that settlement either.
- 5.7 A covering letter indicates that the applicant intends to construct bungalows. Whilst this may be welcome in the light of the guidance within the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes, this could only be secured at the reserved matters stage, when details other than access would be available, and it would only have weight if the principle of residential development in this location had already been considered acceptable.

Character and appearance of the rural landscape

- 5.8 Not all sites within walking distance of services and facilities are suitable for development. LDF Policies CP16 and DP30 require new development to respect the openness and intrinsic character and quality of the landscape. The IPG requires development to respect the form and character of settlements; the dwellings would not be within a settlement but a rural location between settlements and therefore development would not be consistent with the IPG. In any event, the criteria require development to reflect the existing form and character of settlements and to not have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.9 Although the site lies within walking distance of the two villages and is close to the A1(M) and the motorway service area, the character of the locality is rural and the

relatively open nature of the site allows a clear break between the two villages. The presence of the existing bungalow, on its own, does little to change this character. However, if additional dwellings were to be constructed it would urbanise the character of the site from being a rural area between the two settlements. It is considered that the proposed development would erode the openness of the rural character of the area and could lead to a merging of the settlements of Aiskew and Leeming Bar. The development would therefore be contrary to LDF Policies CP16 and DP30.

Residential amenity

- 5.10 LDF Policy DP1 requires all development 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), vibration and daylight. It is likely that the proposed dwellings would lie far enough from the existing bungalow for there to be no impact on amenity such as overlooking or loss of privacy.
- 5.11 The proposed dwellings would lie in close proximity to three main roads, including the A1 motorway and would lie opposite the junction with Leeming Services. The Wensleydale railway line bounds the site to the north. It is considered that the site is in a location with potential for noise disturbance. The Council's Environmental Health Officer does not oppose development in this location but advises that consideration be given to noise insulation within any development.

Highway safety

- 5.12 The Highway Authority has no objection to the use of the existing access to serve the additional dwellings subject to conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.
 2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the scale and location of the development would fail to respect the character and appearance of this rural countryside setting, would lead to the coalescence of settlements and would therefore have a detrimental effect on the immediate environment.