

**Parish: Appleton Wiske**  
Ward: Appleton Wiske & Smeatons  
**2**

Committee date: 8 March 2018  
Officer dealing: Mr K Ayrton  
Target date:

**17/02471/OUT**

**Outline planning application for residential development and associated infrastructure with details of access and siting (all other matters reserved)  
At field south of Village Hall, Front Street, Appleton Wiske  
For Addis Charles**

**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 application site is approximately 0.29 hectares, reduced from 0.46 hectares during the course of the application, located at the southern end of Appleton Wiske. It is linear in shape with a frontage extending along Front Street, which turns out of the village into the open countryside. The site is located outside Development Limits. The River Wiske, forming the boundary with Welbury Parish, is approximately 100m to the south.
- 1.2 There is a mix of uses in the vicinity. Detached residential development is located on the opposite side of Front Street along with an access serving Appleton Wiske Community Primary School. Located to the west is the Village Hall, a low lying building sat behind a hard surfaced parking area. A little further out to the south of the site is a playing field and associated play equipment.
- 1.3 The historic core of Appleton Wiske is predominantly linear in form and comprises attractive buildings, several of which are terraced, located close up to the highway edge. There is more modern development, with detached properties set back from the road frontage and greater spacing between the buildings, at the southern end of the village. This assists with creating a soft transition to the countryside.
- 1.4 The site currently forms part of a field, with an established hedge on the boundary to the road and field gates serving the site. There is a pavement on the opposite side of the road. A power line passes parallel with the southern boundary of the application site.
- 1.5 The River Wiske is located to the south of the site. The majority of the site is located within Flood Zones 2 and 3. Only the front strip is located in Flood Zone 1.
- 1.6 The only matters for approval at this stage are siting and access, with appearance, landscaping and scale reserved for a later application if this one is approved. Siting was introduced during the consideration of the application.
- 1.7 The application is supported by a site plan, which identifies the siting of the dwellings and access to the highway. This shows five dwellings located to the front of the site, with their footprints avoiding Flood Zones 2 and 3.

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

- 2.1 None.

## **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 CP8 – Type, size and tenure of housing  
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 DP13 – Achieving and maintaining the right mix of housing  
Development Policy DP17 – Retention of employment sites  
Development Policy DP28 - Conservation  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 – General Design  
Interim Guidance Note – adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012  
National Planning Policy Framework  
Draft Appleton Wiske Neighbourhood Plan

## 4.0 CONSULTATIONS

### 4.1 Appleton Wiske Parish Council - Does not support any housing development in the village apart from those already approved.

- The site was not submitted in the Call for Sites;
- There are serious concerns about flood risk;
- The planning application form is inaccurate;
- The proposal is contrary to policy CP21;
- There is no pavement and one does not appear to be proposed;
- Driver visibility is inadequate;
- Development of this site would be prominent and have an impact upon the openness of this part of the village;
- The proposal would require the removal of hedgerow; and
- There are anomalies in the stated site area throughout the documentation.

### 4.2 Welbury Parish Council - No objection.

### 4.3 Highway Authority - No objection subject to conditions. These include, amongst others, the formation of a footpath to the front of the site; the retention of the required visibility splays; and the submission of a construction management plan.

### 4.4 Environment Agency - Originally raised an objection due to the site being located within Flood Zones 2 and 3. The objection has since been lifted subject to:

- The submission of a Sequential Test and Exception Test;
- All built development being located within Flood Zone 1;
- All boundary treatments being designed to allow the free passage of flood flows; and
- Removal of Permitted Development Rights.

### 4.5 Public Comments - Five letters of objection making the following comments:

- The site is located on a bend with poor visibility;
- The proximity of the school raises concerns over potential accidents;
- A sufficient amount of development has been approved;
- The site has flooded on numerous occasions. The development would result in additional flooding;
- The village does not have public transport;
- There are bats in close proximity to the site; and
- The site is located beyond the Development Limits.

## 5.0 OBSERVATIONS

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

### Principle

- 5.2 The site is located beyond the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "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) 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 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 Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it can support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan. The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site elsewhere in the village. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

#### Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for five dwellings, which accords with this criterion. In forming this view it is recognised that other residential schemes have been approved (Shorthorn Public House, development at the end of Hunters Ride and Little Hornby Farm). However, the application site is not viewed in the same context with significant separation distances between the sites.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. To assist with this assessment, the applicant agreed that siting should be considered at this stage.
- 5.9 It is apparent that a significant constraint on any form of development is the extent of Flood Zones 2 and 3. The Environment Agency has previously been explicit in directing that no built development should occur in these areas unless supported by a sequential test. This restricts development to the front strip, within Flood Zone 1. A further constraint is the need to achieve adequate visibility splays, which would require the removal of the hedgerow along Front Street (the applicant has indicated in discussions that this could be retained but at 1m in height, where complete removal is not required for driveway accesses, but that is not considered to achieve retention of this feature). Taking these factors into consideration, the Local Planning Authority needs to be satisfied that a suitable scheme of five dwellings could be delivered at reserved matters stage in order to grant outline permission.
- 5.10 Without the flood constraint it is considered that the site could readily be capable of accommodating development as it relates well to the existing built form of the village, although officers would still have some concern about the extent of development southward and into open countryside and consider that there would be some impact on the openness of the countryside. A smaller development, perhaps of up to three units, would largely overcome this concern. Due to the existence of the playing field and play area to the south of the site, there is already a degree of transition between the built up area and the countryside, although it is considered that some harm would remain in these terms.
- 5.11 The extent of Flood Zones 2 and 3 would result in development being pushed up to the front of the site. Along with the need to provide and retain adequate visibility splays, requiring the removal of the hedgerow, there is considered to be a degree of harm to the natural and built environment arising from this, with the proposed dwellings uncharacteristically close to the road and exposed due to the removal of the hedge. The layout of the development would therefore not be entirely in-keeping with the surrounding built form. Whilst there are examples within Appleton Wiske of

development being sited close to the highway, these relate more to the higher density, historic core and not at the point of transition to the countryside. Whilst the historic core is relatively close by, the site is not viewed in the same context. Without the encroachment of Flood Zones 2 and 3 into the site (considered in more detail below) the development would ideally be moved back but this is not possible. At its shallowest, the distance from the front boundary to the notional edge of Flood Zone 2 is approximately 10 metres. Not only would this constrain the form of development and make it uncharacteristic, it would also leave the dwellings uncomfortably close to, or possibly within, land liable to flooding.

- 5.12 Should the scheme be granted planning permission, it would therefore be of vital importance that the appearance of the proposed dwellings, the use of materials and the use of hard and soft landscaping be given careful consideration in order to deliver a high quality design that reflects local distinctiveness. Removal of permitted development rights relating to boundary treatments would retain a degree of control over the frontage. However, in summary officers are concerned that the proposal does not meet the requirements of the IPG nor those of policy DP32, which seeks development of a high quality, in terms of the character and form of the village along with its countryside setting.

### Flood Risk

- 5.13 The majority of the site is located within Flood Zones 2 and 3. It is only the front part of the site that is located within Flood Zone 1. The Environment Agency (EA) has raised no objection on the basis that all built development would be located within Flood Zone 1 and the submission of a Sequential Test and Exception Test. Should the application be approved, the EA has recommended the removal of Permitted Development Rights (Part 1, Class E and Part 2, Class A). As the application includes siting, it can be established that the built development will be located within Flood Zone 1.
- 5.14 Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 5.15 The National Planning Practice Guidance advises that a Sequential Test does not need to be applied for applications for change of use. In this instance, the proposal involves residential development, which includes the change of use of land. Advice was sought from the EA in respect of whether the Sequential Test should be applied. It was unable to confirm either way, although it indicated that as the part of the application site that falls within Flood Zones 2 and 3 relates only to the gardens and therefore change of use, it is considered that a Sequential Test cannot be insisted upon. Officers share this view and have confirmed this position with the EA. However, it is noted that the precise extent of Flood Zones 2 and 3 are open to interpretation; the data held by the Council is clearly based upon notional zone boundaries that only follow straight lines aligned north-south and east-west.
- 5.16 In view of this concern, officers have contacted the EA for clarity. In that discussion it became clear that the EA's main concern is about development within Flood Zone 3 and that the applicant has submitted sufficient information in terms of their topographical survey of the site, to satisfy the EA that the buildings would be outside Flood Zone 3. The EA's standing advice for Flood Zone 2 is effectively to have finished floor levels sufficiently high to protect the dwellings from flood water. This is at variance from the EA's written submission, which assumes the buildings would only be within Flood Zone 1 and it therefore has to be accepted that approving the proposed siting may result in encroachment into Flood Zone 2, which would require

the dwellings to be raised above flood levels. This is not considered to be ideal but a practical recognition of the fact that the EA does not object and therefore could not be relied upon to support a refusal on flooding grounds at appeal.

#### Highway safety

- 5.17 Subject to the provision and retention of satisfactory visibility splays and introduction of a public footpath along the front of the site (in part on the highway verge), the Highway Authority has raised no objection. In forming this view the Authority has given consideration to the proximity of the school. In discussion the Highway Authority has highlighted an issue in relation to the level of parking for the proposed development, which would be dependent upon the number of bedrooms proposed for each property. At the time of writing the applicant is confident that this matter can be addressed and an update will be provided to the meeting.

#### Residential amenity

- 5.18 The relationship with existing properties, most notably on the opposite side of Front Street, would allow for a design to be achieved that would not be harmful to residential amenity.

#### Planning balance

- 5.19 It is considered that there is no single issue in this case that causes sufficient harm in itself to warrant a recommendation for refusal. Rather, an accumulation of matters that weigh against the application and lead to the conclusion that the application site is not suited to the scale and form of development proposed and as such the development proposed cannot be supported.
- 5.20 The site is extremely constrained by the position of the Flood Zones and the necessary visibility splays to the front. This leads to the proposed development being forced forward on the site with a harmful impact on the street form. The extent of development out into open countryside is considered to have a harmful impact, along with the requirement to remove the hedge from the front boundary of the site, although it is noted that the applicant has suggested that this could be retained, but at 1m in height.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. Due to the positioning on site, and extent of development, the proposed development would have a detrimental impact on the character and form of the village and that of the open countryside beyond. The proposed development is contrary to Development Plan policies relating to the distribution of development and is considered to fail to accord with the requirements of the Council's Interim Policy Guidance in these terms, in particular criteria 2, 3 and 4.
  2. The loss of the hedge to the front of the site would further erode the character of the village street. The proposed development is considered to fail to accord with the requirements of Development Policy DP32, which seeks high quality development which respects the setting of the development.