

Parish: Sutton Howgrave
Ward: Tanfield
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Committee date: 8 March 2018
Officer dealing: Mrs H Laws
Target date: 12 March 2018

17/02580/OUT

Outline application (with all matters reserved) for the construction of a dwelling
At: Land at Rowan House, Sutton Howgrave
For: Mr & Mrs D Wick

This application is referred to Planning Committee as it is a departure from the Development Plan and at the request of Councillor Webster

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the southern side of the village to the rear of a detached dwelling known as Rowan House. Access to the site is from the road leading into the village from the south; a shared unmade track leads from the road to the eastern side of the site, and which is a public right of way.
- 1.2 The application site covers an area of 0.2 hectares and is currently used as a paddock. An open fronted agricultural building lies within the site, close to the southern boundary. The building, which is clad with corrugated iron on a low blockwork wall, is currently used for stabling and for storage.
- 1.3 It is proposed to remove the agricultural building and construct a two storey dwelling on a similar footprint. All matters are reserved but an indicative drawing of a two storey dwelling has been provided.
- 1.4 A small area of woodland lies along the western boundary of the site and some of it within the application site itself. Hedgerow boundaries lie to the north and east.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

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 DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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 comments.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Ministry of Defence – No safeguarding objections.
- 4.4 Northern Gas Networks – No objection; there may be apparatus in the area at risk during construction works
- 4.5 Ramblers Association – No objection.
- 4.6 Public comments – one letter of support has been received, stating that the proposed new dwelling would be aesthetically more pleasing than the present farm building, which is visible when driving into the village.

Three letters of objection have been received, the comments of which are summarised as follows:

- The dwelling would be away from the line of houses and would not be in keeping with surrounding properties;
- The access to the land is down a narrow track which is a public footpath. It joins a single track carriageway which poses hazard to traffic entering or leaving the village as visibility is poor;
- The village has no amenities or services so the development will not benefit it;
- The application does not meet any of the exceptional circumstances criteria set out in Policy CP4 that would justify development outside of Development Limits;
- The application does not meet all 6 criteria set out in The Council's Interim Policy Guidance in order for new development to be considered to be acceptable;
- The existing barn is robust; any building will be subject to deterioration and regular maintenance would address this;
- Replacing an agricultural building in a rural area with a residential development would not be more reflective of surrounding development;
- Sutton Howgrave is defined as an Other Settlement, and has no services;
- Even the nearest villages are not easy accessible without a car. There are no footpaths or lighting along the roads to these locations and although there are public footpaths across fields these would increase the distance and by nature of their track-like construction are best for dog walking or rambling;
- Sutton Howgrave is defined by two forms of development. The main form is centred around the village green and another linear form, extending along roads leading south towards Wath and north west towards Masham;
- The replacement of the barn with a dwelling would start a line of residential development behind the current village houses, intruding into the open countryside beyond. This is not in keeping with, and would be detrimental to, the built form of the village and would impact on the open character and appearance of the surrounding countryside beyond;
- The proposal is contrary to national and local policies;
- The scheme fails to meet tests that may be regarded as an exceptional circumstance; and
- The application fails to meet the maximum service distances stated in the NYCC Residential Highway Design Guide.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of an additional dwelling in this location outside Development Limits; (ii) the likely impact of the proposed dwelling on

the character and appearance of the village and the rural landscape; (iii) neighbour amenity; (iv) ecology; and (v) highway safety.

Principle

- 5.2 The site falls outside of Development Limits as Sutton Howgrave does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. That policy sets out specific criteria for development in locations outside of Development Limits. Development is only supported when an exceptional case can be made in relation to policies CP1 and CP2 (which are concerned with sustainable development and minimising the need to travel). The six possible exceptions allowed for by policy CP4 are for development which:
- i. Is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. Is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. Would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. Would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. Would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi. Would support the social and economic regeneration of rural areas.
- 5.3 The supporting documents submitted with the application argue that an environmental improvement would result from the removal of the agricultural building and the proposal can therefore be treated as an exception under criterion ii above.
- 5.4 The building is a metal clad open fronted structure with a footprint of approximately 130sqm and a ridge height of approximately 6m. Its removal and replacement with a dwelling (which could be higher - the indicative drawing shows a dwelling 8m in height), a domestic curtilage and associated domestic paraphernalia would significantly alter the character of the site from agricultural to residential, with a more formal arrangement than the current agricultural appearance. This would detract from the rural character of the surrounding countryside and must be weighed against any claimed benefit of removing the agricultural building.
- 5.5 The agricultural building is currently in use and therefore its removal is likely to require the construction of a replacement building elsewhere, adding to the number of built structures in the vicinity. The clear intention of policy CP4 is that its criteria only support proposals where an exceptional case can be made; it cannot be read to imply that agricultural buildings such as this are environmentally unacceptable as a general rule. Each case must be considered on its merits and only supported where it is found to be genuinely exceptional.
- 5.6 The barn is typical of many agricultural buildings found within the District and appears to be in reasonable structural condition. Sections of corrugated sheeting have rusted but that can easily be addressed without the need for redevelopment. In any event, an exceptional case should not be seen to reward poor maintenance. This is consistent with the Council's refusal of planning permission for a residential proposal in Potto, which was subsequently dismissed at appeal. The following extract from the Inspector's decision is relevant to the current application:

While the large structure has a rather dilapidated external appearance this does not justify the harm that would result from the proposal, particularly as there is no reason to believe that this matter could not reasonably be resolved by other means. The screening provided by the planting along the northern boundary and the modest height and depth of the 2 smaller structures mean they are not prominent features in the surrounding area, and their removal would not result in any wider physical or visual enhancement or materially increase openness.

- 5.7 Taking the above evidence into consideration it is concluded that there is nothing exceptional about the agricultural building to suggest that it should cause unacceptable environmental harm. Owing to its location to the rear of other properties, the building is screened from most directions. It is visible from the road to the south, when approaching the village from Wath, but at a distance of almost 200m and against a backdrop of trees so that it does not detract from the character and appearance of the rural landscape. A new dwelling in this location would be equally prominent, if not more prominent, and as such the environmental gain claimed by the applicant is questionable. It is not considered that the applicant has identified an exceptional case or that the development would secure a significant improvement to the environment. It would not therefore comply with LDF Policy CP4.
- 5.8 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance relates to residential development within smaller settlements and includes an updated Settlement Hierarchy.
- 5.9 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.
- 5.10 In the 2014 Settlement Hierarchy contained within the IPG, Sutton Howgrave is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. In the case of Sutton Howgrave there are no services and facilities that a new house would help to support.
- 5.11 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village, or comprise smaller settlements that are sufficiently close to function together. The IPG indicates that

villages should be approximately 2km apart to allow this and although the distance to Kirklington (which is also defined as an Other Settlement) is approximately 2km, the route adjoining the two villages is relatively poor as the road is unlit and has no footways and crosses the main B6267 road from Thirsk to Masham. There is an infrequent bus service within the village but this is unlikely to be an attractive alternative to the use of a private car. The village of Wath, within Harrogate Borough is 2km to the south but also has few services (pub and church) which an additional dwelling in Sutton Howgrave would help to support. It is noted that there are employment opportunities in the locality including those at Melmerby Industrial Estate (approximately 5km to the south east) and Heck Sausages adjacent to the A1 (approximately 3.5km to the north east) but there are no pavements and the routes are unlit. Those locations are not within easy walking distance and would not be convenient for cycling, particularly during the winter months.

- 5.12 Sutton Howgrave would not therefore be considered as being capable of forming a sustainable community and the development of further housing would thus be contrary to criterion 1 of the IPG, that is, development should be located where it will support local services including services in a village nearby.

Character and appearance of the village and rural landscape

- 5.13 It is important to consider the likely impact of the proposed development in terms of criteria 2, 3 and 4 of the IPG. The site lies to the rear of existing dwellings fronting onto the village street. Sutton Howgrave is traditionally a village with all its properties fronting onto a village street and with very few examples of backland development. Rowan House is one of several dwellings surrounding a courtyard, which was on the site of a former farmyard. Backland development is not always unacceptable but in this instance, the proposed development would result in the dwelling being positioned directly to the rear of Rowan House resulting in a second row of development, which would be completely out of context with its surroundings.
- 5.14 The site, although not isolated, is clearly separate from the main part of the village and the development of the application site would be of detriment to the form and character of the village, contrary to Policies CP17 and DP32, which require new development to respect local character and distinctiveness.
- 5.15 The proposed dwelling would replace an agricultural building, which clearly forms part of the rural landscape outside of the village rather than part of the village itself. Its replacement with a dwelling therefore would result in an encroachment of the built part of the village into the adjacent countryside to the detriment of its character and appearance, contrary to Policies CP16 and DP30.

Neighbour amenity

- 5.16 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. There would be adequate separation distance to avoid any overlooking or overshadowing between existing or proposed residents. The proposed use of the existing access by an additional dwelling would not cause significant disturbance to the residents of the properties that front onto the village street and would not have an unacceptable impact. The proposed development would not therefore be contrary to LDF Policy DP1.

Ecology

- 5.17 The ecological appraisal submitted with the application suggests that the building is of low value for bats but moderate value for birds. Subject to recommended mitigation measures the site is considered to be low risk for protected species.

Highway safety

- 5.18 The Highway Authority has no objection to the use of the existing access and the shared track to serve the proposed dwelling. Accordingly the proposal raises no highway safety issues.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The site is outside Development Limits and fails to meet any of the exceptional circumstances set out in LDF Policy CP4 of the Core Strategy that would justify development outside of Development Limits. In particular it is not accepted that the removal of the agricultural building, which is a typical form of rural building, can constitute an exceptional case within the meaning of CP4 criterion ii. The development would therefore be contrary to Policies CP1, CP2, and CP4 of the Local Development Framework.
2. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development would not support local services; does not reflect the existing built form and character of the village; and would have a detrimental impact on the character of Sutton Howgrave and the natural environment on the edge of the village, contrary to the Council's Interim Policy Guidance.
3. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.