

**Parish: Sandhutton**  
Ward: Thirsk  
**12**

Committee date: 3 May 2018  
Officer dealing: Miss Charlotte Cornforth  
Target date: 10 May 2018

**18/00164/OUT**

**Description: Outline application with details of access (all other matters reserved) for the construction of one dwelling**

**At: Kellan Grange, Sandhutton**

**For: Mrs S Jackson**

**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 currently comprises an area of domestic curtilage used primarily for vehicle parking in association with the dwelling of Kellan Grange. The development site is bound by the southern elevation of an agricultural building (with an approved use of calf rearing) and timber close board fence to the northern boundary. The western boundary is vegetation that separates the site to the agricultural land beyond. The agricultural building to the north of Kellan Grange and the land surrounding it was formerly within the ownership of Kellan Grange but was sold in 2013.

1.2 The matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved. The agent has stated that the size of the dwelling extends to a maximum footprint of 10.3m x 8.5m. Vehicular access would be taken via the existing access from the public highway (A167) to Kellan Grange to the north-east.

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

2.1 85/0172/FUL (agricultural building) – planning permission granted 28.02.1985 - details of construction of a calf unit at O.S.1245 (Former O.S. 49), Sandhutton.

2.2 86/0213/FUL (Kellan Grange) – planning permission granted 01.08.1986 - construction of an agricultural worker's dwellinghouse with domestic garage at Part O.S. 1245, Sandhutton.

2.3 15/01203/CLE (Kellan Grange – granted - Application for Certificate of Lawfulness for the removal of an agricultural occupancy restriction as set out in condition 2 to permission ref 2/86/126/0001D.

## **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 Policy DP1 - Protecting amenity

Development Policy DP3 - Site accessibility

Development Policy DP4 - Access for all

Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012  
Size, Type and Tenure of New Homes SPD - adopted September 2015

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No observations.
- 4.2 Ministry of Defence – No safeguarding objection.
- 4.3 Natural England – no objection
- 4.4 Highway Authority – No objection; recommends conditions regarding details of access, turning and parking.
- 4.5 Contaminated land - the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.
- 4.6 Environmental Health – Note that there is no history of complaints relating to the use of the adjacent agricultural building. However up until recently the closest dwelling was the subject of an agricultural tie and its occupation as an agricultural dwelling would have reduced the likelihood of complaint. If the agricultural building was to remain empty then potential impact would not be an issue, however this is unlikely and the Council has no available powers to ensure this. Placing an agricultural tie on the new residential development is not an option in this case because the sites are in different ownership.

Giving consideration to the close location, size, construction and functionality of the agricultural building a concern remains that this will have a negative impact on the amenity of the proposed dwelling from noise and odour. It is therefore recommended that the application should be refused.

- 4.7 Public comment – None received to date.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of development in this location; (ii) the impact upon the character and appearance of the area; (iii) highway safety; and (iv) neighbour amenity.

##### The principle of development

- 5.2 The village of Sandhutton does not have any Development Limits as defined within Policy CP4 of the Core Strategy. Policy CP4 states that 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 revised settlement hierarchy published with the IPG, Sandhutton is defined as a Secondary Village and therefore is now considered a sustainable location for small-scale development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 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.

#### Impact upon the character and appearance of the area

- 5.6 The application site has a distinct freestanding character, which is separate to the built form of the village. The site is some 160 metres from the edge of the settlement of Sandhutton (the garden of 1 Craddock Row) The site is also located outside of the 30mph speed limit to the village and the signs that state 'Sandhutton' that are a clear indication that you have entered or left the village.
- 5.7 The site is close to the village hall of Sandhutton, separated by Kellan Grange, approximately 280m from the nearest bus stop and 320m from the public house and core of the village.
- 5.8 The IPG clearly states that 'small scale development will be supported in villages' and goes on to say that a consideration is whether small scale development is 'adjacent to the built form of a settlement'. This growth should be organic which reflects the character of rural villages.
- 5.9 The site and its context include the village hall, the main dwelling of Kellan Grange and an agricultural building. This cluster of buildings has a distinct freestanding character typical of the farmsteads that can be found within the surrounding open countryside and not within a village. The site is considered to not be adjacent to the built form of the settlement of Sandhutton. The built form to the village on the northern edge stops at the terrace of properties known as Craddock Row.

- 5.10 The development would not appear as organic or incremental growth of the settlement.

#### Highway safety

- 5.11 The application site lies immediately adjacent to the existing highway with ready access. A field side path leads links the Village Hall to the body of the village to the south. There is no footway on the remaining 90m of verge between the village hall and the site entrance, other than the most northern part of the verge at the entrance to the site that is within the 60mph area the land is within the 30mph restriction area.

#### Infrastructure

- 5.12 Services can be provided with regard to foul drainage and other utilities and would not be an additional burden in this regard. The scale of development does not give rise to any requirement for additional infrastructure provision.

#### Neighbour amenity

- 5.13 The dwelling would be very close an agricultural livestock building. Whilst the building is not currently in use for the keeping of livestock the building has an approved use for calf rearing, it could also be used for other agricultural purposes without further planning permission. It is considered that given the proximity of the dwelling to an agricultural building that is not within the control of the application gives rise to potential for amenity issues such as noise and odour to arise that would harm the amenity of the new dwelling. A post and rail fence is proposed, however, this will not mitigate the potential harm that could be caused by the uses and activities associated within the building and the land.

#### Conclusions

- 5.14 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment and residential amenity as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 47 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Assertions are made by the applicant that the scheme will promoted health, social and cultural wellbeing but no evidence has been provided of the value of the social gain arising from the new housing, accordingly little or no weight can be given to this benefit. Accordingly, it is considered that the substantial environmental harm outweighs the benefits.
- 5.15 The proposal would result in an isolated home in the countryside it would not be within or adjacent to the village of Sandhutton and insufficient justification has been made to treat the proposal as an exception to the adopted policies of the LDF.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents unsustainable development on a site outside of the Development Limits the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 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 isolated from the built form of Sandhutton village and cannot benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

2. The proposal due to its relationship in close proximity to an agricultural building with a lawful use for calf rearing would not adequately protect or safeguard the future amenity of residents due to the noise and odour associated with the keeping of agricultural livestock. The proposed development is therefore considered to be contrary to Policies CP1 and DP1 of adopted Hambleton Local Development Framework, the National Planning Policy Framework.