

**Parish: Great And Little Broughton**  
Ward: Stokesley  
**10**

Committee Date : 6 February 2020  
Officer dealing : Mr Nathan Puckering  
Target Date: 31 December 2019  
Date of extension of time (if agreed): 7 February 2020

**19/02302/FUL**

**Construction of 3 bed dwelling house, alterations to existing driveway and landscaping.  
At: Broughton Grange Farm, High Street, Great Broughton, North Yorkshire  
For: Mr Mark Noble.**

- 1.1 The site is a parcel of land immediately to the west of the grade II listed Broughton Grange Farmhouse, located approximately 130m south of Great Broughton. The site is within the extensive curtilage of the aforementioned dwelling, sitting approximately 40m west of the rear elevation of the property.
- 1.2 The site is bordered by an extensive line of trees and shrubbery to the east, which are protected under a group TPO, with High Street (B1257) running north-south beyond that. To the south is the driveway which serves the existing property, with a domestic outbuilding associated with Broughton Grange Farm sited the other side of this access. Furthermore, an agricultural building, not under the ownership of the applicant is sited approximately 130m away in this direction, with an expanse of countryside beyond that.
- 1.3 To the north are 4 former agricultural outbuildings which were converted to dwellings some years ago. In addition to these dwellings is a former traveller site located to the north east which following a recent up-held appeal is now an independent market dwelling. Beyond that is the beck which defines the southern boundary of Great Broughton, with the newly developed residential development made up of 26 units on an allocated site, beyond that. To the west of the site beyond Broughton Grange Farm, is an area of open countryside, with the hills of the North York Moors National Park visible in the distance.
- 1.4 The application is for the construction of a 3 bed dwelling house, built using local stone and clay pantiles, it would comprise a one and a half storey section, adjoined by two single storey elements to form a U shaped building. The development would incorporate timber framed windows. In addition, the proposal includes alterations to the existing driveway in the form of a slight repositioning in a westerly direction to accommodate the proposal. The application includes pedestrian access to the north of the site via a proposed new footpath which will run from the adjacent road. In terms of the aforementioned protected trees, all but one of these will be retained, with the boundary of the new dwelling defined by estate railings similar to those already in situ on the site.

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

- 2.1 18/01974/FUL - Construction of two detached dwellings, one detached car port, change of use of agricultural land to domestic curtilage, and landscaping - REFUSED for the following reasons:
  - the proposal is not in keeping with the existing built form and character of the village and is therefore in conflict with the Interim Policy Guidance.
  - the proposal would cause harm to the significance of the adjacent grade II listed building
  - the impact of the adjacent trees would have a detrimental impact on the amenity of the future occupiers of the residential property

2.2 17/01224/OUT - Outline application with all matters reserved for 4 dwellings - Undetermined

### **3.0 RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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 DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015

### **4.0 CONSULTATIONS**

4.1 Parish Council - Object for the following reasons:

- The proposed development is outside the current development limits for the Village and fails to meet the exceptions criteria for a development outside of those limits.
- The proposed development does not reflect the existing build form or respect the character of the village.
- The construction of the dwelling in the proposed location would harm the special architectural and historic interest of the grade 2 listed building of Broughton Grange and this harm would not be outweighed by public benefit, as there is no benefit defined to the public in this application.
- The village of Great Broughton no longer meets Hambleton Planning Departments criteria for a Service Village, therefore no commercial or social value can be claimed as a result of this proposed development.

4.2 Highways - no objections subject to conditions relating to parking and precautions to prevent mud on the road.

4.3 Society for Protection of Ancient Buildings - no representations received

4.4 Natural England - no objections

4.5 Yorkshire Wildlife Trust - no objections

4.6 Northumbrian Water - no comments to make

4.7 Site Notice and Neighbour Notification - no representations received

### **5.0 ANALYSIS**

- 5.1 The main issues to consider are: (i) the principle of the development, (ii) the impact on the significance of the adjacent grade II listed building, (iii) the design of the proposal, (iv) the impact on the character and appearance of the surrounding countryside, (v) the impact on the adjacent protected trees, (vi) highway safety, (vii) drainage and (viii) residential amenity.

#### The Principle

- 5.2 The site is located outside of the defined development boundary for the village of Great Broughton and therefore Policy DP9 and CP4 are relevant. Policy DP9 states that development outside of the defined limits will only be supported when it is in-line with other relevant Local Development Framework (LDF) policies, as well as one of the exceptional circumstances set out in Policy CP4. The exceptional circumstances set out therein are as follows:

- i) it 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
- ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance
- iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy
- iv) it 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
- v) it would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- vi) it would support the social and economic regeneration of rural areas.

- 5.3 It is considered that the proposal does not fulfil any of the above criteria and therefore is not in accordance with Policy CP4.

- 5.4 The National Planning Policy Framework, which post-dates the above policy and is a material consideration and is supportive of housing in the open countryside to an extent. In paras 78 and 79 it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 5.5 In order to bring local policy in-line with the above national policy, in 2015 the Council adopted Interim Policy Guidance concerning small scale housing development in rural areas. Included in this was also an up-dated Settlement Hierarchy. The IPG sets out six criteria that small scale housing development must meet in order to be acceptable.

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.

- 5.6 The site in question is within walking distance of the nearby village of Great Broughton which according to the Settlement Hierarchy is a Service Village. Consequently, it is accepted that the site is in a location that would support local services in a nearby village and therefore is in-line with criterion 1.
- 5.7 However, criterion 2 of the IPG also requires that any development must reflect the existing built form and character of the village. The site is located approximately 80m south of the beck which runs west to east and acts as a natural boundary for the south of the village. As one crosses the bridge over the beck, there is a significant change to the nature and character of the landscape along with the density of the built form, moving from the built-up residential area located at the southern extent of the village, into the open countryside - interrupted only by sporadic agricultural units and farm-houses as one moves south toward the North York Moors National Park.
- 5.8 It is noted that there are several dwellings on this side of the beck which are located adjacent to the site. However, the fact that all of these dwellings are converted old agricultural buildings and/or the associated farmhouses, illustrates that the character of this area is defined as open countryside with farm units rather than new-build, modern residential development, as proposed by this application.
- 5.9 As a consequence of the above it is considered that the proposal does not fulfil the requirements of criterion 2 of the IPG as it does not reflect the existing built form and character of the village.
- 5.10 The application site is considered to be more closely associated and characterised as being part of the wider countryside. The introduction of further residential accommodation in this area is considered to lead to an urbanising impact on the character of the landscape. It is considered that the development of this site will have a harmful impact on the character of the landscape and as such will have a detrimental impact on the open character and appearance of the surrounding countryside and as such fails to accord with both the IPG and Development Policy DP30 which seeks to protect the character of the countryside.
- 5.11 In addition, criterion 3 of the IPG requires that for the principle of the development to be acceptable, development must not have a detrimental impact on the historic environment.
- 5.12 As set out elsewhere in this report, it is considered that the proposed development would cause less than substantial harm to the significance of the adjacent grade II listed farmhouse and subsequently fails to accord with criterion 3 of the IPG.
- 5.13 As a consequence of the above it is considered that the proposal does not fulfil the requirements of the IPG and therefore the development in this location is not acceptable in principle.

#### Impact on the adjacent grade II listed building

- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.15 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Where harm is identified to the significance of a heritage

asset, that harm must be given great weight and importance in the determination of the application and planning permission only granted where the public benefits of the proposals are considered to outweigh that harm.

- 5.16 Also relevant is Policy DP28 of the Local Development Framework, which states that the preservation of historic heritage will be ensured by, amongst other things, preserving and enhancing Listed Buildings. Furthermore, development within or affecting the feature or its setting should preserve all aspects that contribute to its character and appearance.
- 5.17 A detailed Heritage Statement was included in the submission of this application. This reasonably assesses the significance of the listed building in question and the contribution its setting makes to the significance of the asset. It concludes that the site of the proposed development has a neutral impact on the setting of the listed building and the construction of a dwelling will therefore not harm the significance of the listed building. Officers do not agree with this conclusion.
- 5.18 With regard to the wider setting of the heritage asset and the contribution this makes to the significance of the asset, the heritage statement claims that the site is a neutral element of the setting. On the other hand, the statement claims that the former gypsy / traveller site to the north of the site has harmed the setting of the heritage asset, as has the construction of several domestic garages and sheds associated with the other dwellings directly to the north.
- 5.19 In assessing the submission, it is considered that the wider site, around the listed building contributes positively to the setting of the heritage asset and that setting contributes to the significance of the asset. There is a sense of arrival as one comes up the private driveway which helps to create a sense of grandeur for an important building. This is considered to contribute to the significance of the heritage asset.
- 5.20 The development of a new dwelling will introduce a different context to the wider site, completely altering the way one would experience the heritage asset upon entering the site and therefore harming the sense of grandeur and thus harming the setting of the heritage asset.
- 5.21 As set out in the heritage statement the introduction of domestic features in the near locality already conflicts with the otherwise largely unspoilt setting of the heritage asset. Again this leads to the conclusion that the development would further urbanise the setting of the listed building in a harmful way.
- 5.22 In addition, the heritage statement points out that the remaining outbuildings in situ are the only things left that evidence the historic use of the site as a farmstead. Furthermore, it refers to the fact that the design and siting of these buildings (i.e. them being smaller and not exhibiting as much design detailing) show the hierarchy of the buildings on the site with The Grange being the most important building. The heritage statement claims this will not be compromised as a result of the development.
- 5.23 The story the wider site tells in terms of the hierarchy of the buildings is accepted. However, it is considered that the introduction of a new building on the site will lead to further loss of historic context and will also alter the nature of the wider site and the relationship between the listed Grange and the remaining outbuildings - in turn leading to harm to the setting of the asset and one's understanding of the historic context of the site.
- 5.24 As a consequence of the above it is considered that the proposal would lead to harm to the setting of the listed building and therefore is said to have less than substantial

harm to the significance of the heritage asset. Giving great weight and importance to the identified harm to the heritage asset and considering that there is negligible public benefit in the creation of a single open market dwelling, it is considered that the public benefit does not outweigh the less than substantial harm to the heritage asset. Therefore the proposal fails the test set out within paras 195 and 196 of the NPPF and consequently is unacceptable on heritage grounds.

#### The Impact on the Open Countryside

- 5.25 As described above, the site in question is located within an area of open fields and countryside. Consequently, Policy DP30 is relevant which states that the intrinsic character and quality of the open countryside must be protected.
- 5.26 Given the existing landscaping which surrounds the site on two sides, the development would not be visible from the adjacent B1257. This, plus the small scale of the proposal ensures that the visual impact on the wider, open countryside will be limited.
- 5.27 Having said that, whilst the proposal is considered relatively acceptable in terms of visual impact on the immediate locality, it is not considered acceptable with regards to the impact on the character of the open countryside. The site is outside of the boundary for the village, where one would expect residential development to be located. It leads to the urbanisation of an intrinsically rural area and therefore cannot be said to be protecting the intrinsic character of the open countryside.
- 5.28 As a consequence, it is considered that the proposal would harm the intrinsic character of the surrounding area and therefore is in conflict with Policy DP30 and criterion 4 of the IPG which requires development not to have a detrimental impact on the open character of the countryside. Given this, the proposal is considered to have a detrimental impact on the character of the open countryside and fails to accord with the requirements of DP30 as a result.

#### Design

- 5.29 Policy CP17 dictates that all development must be of a high quality design that respects and enhances local context and its special qualities. In addition, Policy DP32 also concerns the design of development and states that attention to the design quality of all development is essential and the submission of design statements supporting and explaining design components will be required.
- 5.30 The applicant submitted a professionally prepared design and access statement which explains the various design aspects and how they have been considered with respect to the surrounding area.
- 5.31 The proposal makes use of local stone and clay pantiles, it is considered that the design of the proposed dwelling can be said to respond and respect local context insofar as the materials used. The fact that it is only one and half storeys at its highest point and has a relatively small footprint does ensure that the scale of the proposal can also be said to be appropriate.
- 5.32 Given the above, it is considered that, notwithstanding the fundamental issues with the location of the development, the design of the proposal can be said to be in line with Policies CP17 and DP32.

#### The Impact on the Protected Trees

- 5.33 As explained in para. 1.2 of the report, there is a Group TPO covering the trees to the east of the site. Included in the application is a detailed Arboricultural Impact Assessment (AIA), which sets out the impact the proposal will have on the protected trees and any proposed mitigation measures.
- 5.34 Included in impact assessment are the results from a Tree Survey carried out which classifies the trees in question depending on their quality. The results were as follows:
- 11% of the trees were classified as Category A
  - 33% of the trees were classified as Category B
  - 56% of the trees were classified as Category C
- 5.35 In terms of the impact of the proposed development on trees, one tree would have to be removed to facilitate the construction of the dwelling. This tree, referred to in AIA as Tree T12, which is one of the trees protected by the Group TPO (TPO G2), and classified as category C. As pointed out in the AIA, this tree has low amenity value and the loss of it is considered to have minimal impact on the visual amenity of the area.
- 5.36 Other mitigation measures have been proposed to ensure the protection of the other trees covered by the Group TPO, including supervised demolition activities with regards to the existing outbuilding that will be removed, with no machinery operating in the Root Protection Areas.
- 5.37 It is considered that the development will have an impact on the adjacent protected trees but that owing to the poor quality of the tree for removal this does not weigh significantly against the proposed development.

#### Highway Safety

- 5.38 Policy CP2 and DP3 concern the accessibility of development and state that development should be located so as to minimise the need for travel. Also a material consideration is the NPPF which in para 109 states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.
- 5.39 Highways were consulted on the proposed development and offered no objection to the proposal subject to conditions. It is considered that the proposal would not compromise highway safety.

#### Drainage & Flood Risk

- 5.40 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.41 The proposed development is in Flood Zone 1. A soakaway is proposed for the disposal of surface water. It is proposed that foul water be managed through a packet waste treatment plant.
- 5.42 To ensure that the development would not lead to an increase in flood risk elsewhere and would also not be unacceptably susceptible to flooding, relevant bodies were consulted on the development and subsequently offered no objection. Therefore the proposal is considered acceptable on drainage and flood risk grounds.

#### Residential Amenity

- 5.43 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. This refers to the residential amenity of existing dwellings, as well as the needs of the future occupants/users of the development.
- 5.44 Given the distance between the proposed dwelling and the nearest existing dwelling, i.e. Broughton Grange, there is not considered to be any loss of privacy or any noise and disturbance as a result of the development. Furthermore, as the proposal includes the principle rooms of the new dwelling to be facing west, away from the substantial landscaping to the east, there will also be an acceptable level of light provision.
- 5.45 Consequently, it is considered the proposal adequately protects amenity and therefore is in line with Policy DP1.

#### Planning Balance

- 5.46 Whilst the design of the proposal is high quality when measured against the relevant policies and matters including flood risk, drainage, residential amenity and highways are considered acceptable - it is considered that there are a number of fundamental issues with the principle of the development which result in the recommendation for refusal.
- 5.47 The impact the development will have on the setting of the listed building is considered to equate to less than substantial harm to the significance of the heritage asset and, as this is not outweighed by public benefit resulting from the development, it therefore fails the test set out in the NPPF and is subsequently unacceptable on heritage grounds. Furthermore, the degree of urbanisation of an area intrinsically rural in character which will result from the development is also considered to harm the character of the open countryside - in conflict with Policy DP30 of the Local Development Framework and the requirements of the Interim Policy Guidance.
- 5.48 It is considered that the development of a residential dwelling on the site is supported by the Interim Policy Guidance or relevant policy in terms of the character and appearance of the area.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

1. The proposal fails to satisfy any of the exceptional circumstances required by Policy CP4 for development outside of defined development boundaries. In addition, by way of its form and siting it fails to satisfy criterion 2 of the Interim Policy Guidance as it does not reflect the existing built form and character of the village. Furthermore, due to the harm resulting on the significance of the adjacent listed building it also fails to satisfy criterion 3 of the requirements set out in the Interim Policy Guidance. Finally, by way of the detrimental impact the development will have on the character of the open countryside the proposal is also in conflict with criterion 4 of the IPG.

2. The proposal will lead to harm to the setting of the listed building which is considered to equate to less than substantial harm to the significance of said heritage asset. This harm is not outweighed by sufficient public benefit resulting from the proposal and therefore the development fails the test set out in paras 175 and 176 of the NPPF for developments impacting heritage

assets, as well as meaning the proposal is in conflict with Policy DP28 of the Local Development Framework.