

Parish: Scruton
Ward: Morton on Swale

Panel date: 10 June 2021
Officer dealing: Mr John Van Eker
Target date: 20 May 2021

7

21/00784/OUT

Application for outline planning permission with all matters reserved for the construction of a single storey dwelling

At: Land at Fleetham Lane to Common Lane, Scruton, North Yorkshire

For: Mr William Raine

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 Site context and proposal

1.1 The application site lies to the east of Scruton on the southern side of Common Lane. The site is adjacent to the point at which Common Lane becomes a single-track private road and is sited to the edge of Scruton village, outside of the development boundary.

1.2 The site is currently used as an agricultural field and forms part of a wider farm holding which comprises of 330 acres used for part arable and part livestock farming.

1.3 The proposal is in outline considering access for the construction of 1no. detached single storey dwelling. A vehicle access would be taken from Common Lane.

1.4 Supporting information has been submitted alongside this application to explain that the applicant intends to retire from farming and hand over the business to another family member. The construction of the new dwelling proposed would act as a retirement dwelling for the applicant on site whilst continuing to assist on the farm on a part time basis.

2.0 Relevant planning and enforcement history.

2.1 There are no relevant cases at this location.

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 DP10 – Form and character of settlements

Development Policy DP30 – Protecting the character and appearance of the countryside

Development Policy DP31 – Protecting Natural Resources: Biodiversity/ Nature Conservation

Development Policy DP32 – General Design

Interim Guidance Note – adopted by Council on 7th April 2015

National Planning Policy Framework

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Parish Council – Scruton parish council cannot support this application as it is outside the settlement built area. Therefore, request that this application be refused.

4.2 NYCC Highways – No objection subject to conditions.

4.3 Environmental Health – No objection

4.4 SIBAC – No objection

4.5 Street Naming – No comments at this stage

4.4 Public comments – 4 objections making the following comments:

- Development is outside of village development plan
- The highway stops short of the proposed development site
- A caravan site was proposed opposite the site and refused
- Agricultural machinery will be parking close to the site regularly
- The adjacent highway is heavily used by pedestrians
- The original village of 65 dwellings now has 200
- The development will spoil the open countryside
- There are other development sites available
- Whilst not in a floodzone, the application site has historically suffered from flooding and drainage issues

5.0 Analysis

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

Principle

5.2 The site is beyond the Development Limits identified in the Local Development Framework (LDF) for Scruton. Therefore, development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. In this case, the applicant has suggested that there are specific exceptional circumstances that should be considered in weighing up the merits of this application. These circumstances are the legitimate succession planning for the continuation of the successful farm business on which the application site is located. In this case this is to provide a new dwelling for the existing operator to allow their son to take over occupation of the principle dwelling on the farm. It is considered that this argument is supported by the NPPF and is a reasonable exception to planning policy for housing.

5.3 In the determination of this application it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.4 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 the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.
- 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.*
- 5.6 In the Settlement Hierarchy reproduced in the IPG Scruton is identified as an 'Secondary Village' and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies close to Scruton which has facilities including a church and a pub. Criterion 1 would be satisfied.

Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this case a single dwelling is proposed and as such the development is considered to comply with criterion 2 in these terms.
- 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 environment and physical built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline, considering access only with all other matters reserved.
- 5.9 The application site comprises a squared off piece of a larger agricultural field with Common Lane running across the northern boundary of the application site, residential development to the west and open countryside to the north, east and south. The site is physically separated from the main built form of the settlement by established boundary treatments to the eastern boundaries of properties sited along Peacock's Close to the west, but the site remains relatively open to other aspects to the north, east and south. The site is set away from the historic core of the settlement.
- 5.10 It is considered that the site currently contributes positively to the setting of the village providing important undeveloped space beyond the natural end of the village. In this instance, it is considered that the site is not viewed only in the context of the existing built form of the settlement but would encroach, to some degree, harmfully into the open countryside.

- 5.11 On balance, it is considered that proposed introduction of a dwelling is considered to be inappropriate for this location outside of the settlement boundary resulting in the extension of the village out into open countryside in a manner which would result in harm to the surrounding natural landscape and to the built form of the settlement.
- 5.12 In this case the harm identified must be considered against the benefit of the provision of an agriculturally tied dwelling and whether this would outweigh the harm the development would cause to the character, appearance and form of the village contrary to criteria 2, 3 and 4 of the IPG.

Neighbour Amenity

- 5.13 Policy DP1 seeks to protect the amenity of neighbouring occupiers. In this case potential matters of concern would be privacy and overshadowing. The nearest residential property is located to the west, No. 1 Peacock's Close and Fair View. Given the size of the site it is considered that there is scope for a design to be achieved that would not result in an adverse level of harm to residential amenity and accord with Policy DP1. This would be further considered at the appropriate reserved matters stage.

Highways

- 5.14 Policy DP4 seeks to ensure that development is provided by satisfactory access. It is proposed that a new access is formed to the north east corner of the application site in this case. The Highway Authority has no in principle objection to the proposed development subject to a number of conditions. Despite the narrow nature of Common Lane, it is considered the proposed access arrangement for one additional dwelling would not have a detrimental impact upon highways operation or safety.

Planning balance

- 5.15 The proposal comprises development in a rural location outside of Development Limits justification on the basis of a dwelling to enable the succession of the farm operation. Whilst it is considered that the proposal fails to comply with the Councils Interim Policy Guidance Note - Development in Villages, this needs to be seen in the context of the justification for the dwelling. In this case, the harm caused is considered to be relatively minimal and in this instance is considered to be reasonably off-set by the need identified.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **APPROVED**, subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council.
4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
6. The development shall be for no more than one dwelling.
7. Prior to the commencement of development, other than the formation of the access and initial site clearance, full existing and proposed site levels shall be provided to and agreed by the Local Planning Authority. Levels shall include existing and proposed site levels along with proposed finished floor, eaves and ridge levels. The development shall then be implemented in accordance with the approved details.
8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. details of site working hours; 6. details of the measures to be taken for the protection of trees; and 7. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and/or concern received from members of the public.
9. Prior to the commencement of development other than the formation of the access and initial site clearance, full details of foul and surface water management and disposal shall be provided to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
4. In order that the materials are appropriate to the locality and to comply with DP32.

5. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
6. In order that the scale of development is appropriate to the site.
7. In order to protect the residential amenity of neighbouring occupiers and comply with DP1.
8. In the interest of public safety and amenity.
9. In order that appropriate water management is in place and to accord with DP1 and DP43.