

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

**7**

Committee Date : 01 July 2021  
Officer dealing : Ms Helen Ledger  
Target Date: 26 May 2021  
Date of extension of time (if agreed):

**21/00842/OUT**

**Outline application with all matters reserved for construction of a dwelling**

**At: Land Adjacent Sunnyside Welbury North Yorkshire**

**For: Mr & Mrs L Meynell.**

**The application is brought to Planning Committee as the proposed development is considered to be a Departure from the Development Plan.**

## **1.0 Site, context and proposal**

- 1.1 The site is located behind dwellings adjacent the centre of Welbury, directly behind the single storey dwelling known as Sunnyside. This site is also immediately behind the dwelling known as, Poppy's View, granted in 2016 (ref: 16/00953/OUT) under the Interim Policy Guidance Note.
- 1.2 There are currently no boundaries between Sunnyside and Poppy's View the application site. The garden or paddock area associated with Sunnyside continues beyond the application site to the south. The boundaries to neighbouring properties currently comprise mainly timber fencing with some landscaping.
- 1.3 The application is submitted in outline with all matters reserved for the construction of one dwelling. The site area is 1912sq metres. The proposed block plan shows a dwelling position on the northern portion of the site and accessed shared with Sunnyside.

## **2.0 Relevant planning and enforcement history**

- 2.1 18/02271/FUL - Construction of detached dwelling-house and formation of new vehicle access to serve Sunnyside and proposed dwelling and alterations to remove the current access serving Sunnyside - Refused

## **3.0 Relevant planning policies**

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies 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 Welbury Parish Council - Neutral comments. In principle support limited development to help sustain local amenities, privacy could be compromised depending on final design. The final scheme needs to be done with sensitivity. Driveway access is also a consideration but there will be suitable mitigation.
- 4.2 NYCC Highway Authority - No objection, conditions recommended.
- 4.3 Environmental Health - no objections, conditions recommended to control construction working hours and noise and dust.
- 4.4 Teesside Airport - no safeguarding objection.
- 4.5 Site notice posted and neighbours notified. Ten representations received; the following is a summary of the issues raised.

### **Support**

- The applicant's family are long standing members of the community
- Will provide a family home
- The proposal is very similar to other infill projects in the village, examples given

### **Object**

- Vegetation from boundaries have been removed and not preserved from previous permissions
- Contrary to the linear pattern of the village
- The views would not be those remote and private we had when we moved to the village
- The design aesthetics of the proposal is not in keeping with the older properties situated in the historic village centre.
- Access on a congested corner opposite the pub
- There is an oversupply of large houses in the village
- Sets a precedent for the village
- As the previous application, it does not respect the built form of Welbury as required by the IPG
- Unclear whether 1 or 2 stories, or window location facing neighbours

- It will have a negative visual and psychological impact on the residents of these properties, as well as having a detrimental effect on any future sale of the proposed development and current dwellings.
- The planning statement refers to permissions in Appleton Wiske, these have created an untidy, cramped and congested village.
- We were told there was a planning clause on the land.

#### Neutral

- The proposed house would be closer to our home than to any other except Sunnyside itself.
- A new house will intrude on this green space and rural setting.
- The proposed building would block our views, and would cast some shade over part of our garden
- The proposal mentions our garden shed as an extension of the building line from Springhill to the west. This is unreasonable as the shed is a low building and not inhabited.
- The Spring Hill development is very distinct in character and location and bears no connection visually or otherwise with our garden shed.

## 5.0 Analysis

- 5.1 The issues to consider include (i) the principle of development in this location; (ii) the effect on the character and appearance of the village and surrounding countryside; (iii) the design of the dwelling; (iv) the effect on residential amenity and (v) highway safety.

#### Principle

- 5.2 The site falls outside of the Development Limits of a sustainable settlement, as Welbury is defined as an 'Other Settlement' in the settlement hierarchy set out in Policy CP4 of the Core Strategy. 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 NPPF. Paragraph 79 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 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 is intended to bridge the gap between CP4/DP9 and the NPPF and provides for a more flexible consideration of new development within and at the edge of settlements. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 The IPG states that "Small scale housing development will be supported 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 As an Other Settlement, Welbury must be able to form a cluster with other Secondary or Service Villages in the vicinity in order to benefit from support under the IPG. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an Other Settlement. The IPG suggests that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane, with low levels of traffic. The route is relatively flat and would be easily cycled. There is no footpath or street lighting. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied. This is consistent with previous applications elsewhere in the village.

#### Character and appearance

- 5.6 The proposal is for the development of a single dwelling and thus the development is considered to be small in scale. 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.
- 5.7 The proposal is a form of back-land development, which although not always unacceptable, in this instance, it is the formation of what would be a second line of development behind the frontage properties along the main village street. This particular part of the village is a clearly defined line of frontage dwellings and the proposed development would be completely out of context with its surroundings.
- 5.8 To the west lies Spring Hill, which is an in-depth cul de sac but clearly a different form of development, where all the properties still retain a direct frontage onto the street. The same applies to Shire Garth to the south.
- 5.9 Therefore, the introduction of a dwelling would result in a detrimental impact as it does not represent a natural infill or organic growth to the village.

5.10 It is considered that the site clearly forms part of the village rather than the surrounding countryside and therefore would not have an adverse effect on the appearance of the surrounding rural landscape.

5.11 It is considered that the proposed development would result in an unacceptable detrimental impact on the character and appearance of the site and village and would materially alter the form of the village. The proposal does not therefore comply with criteria 2 and 3 of the IPG.

#### Design

5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.14 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.15 The proposed block plan reflects the footprint of bungalow style of the existing dwelling at Sunnyside and is similar in style and design to the recently constructed dwelling on the adjacent site. Plans are submitted as illustrative only and have no weight.

#### Residential 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.

5.17 The site boundary proposed would be 21m from its nearest neighbour, which is Sunnyside. The proposed dwelling would lie to the south of the garden and could therefore also affect sunlight, although the location of a garage is shown between, this does not form part of this application however and has no other consent. The indicative siting has been pulled back from the previous refusal in 18/02271/FUL, to allow a better separation distance.

5.18 Other neighbouring properties lie further from the proposed dwelling; the dwelling at Garden House lies almost 30m from the closest point of the site boundary. It is possible a dwelling could be created with a distance from the shared boundary sufficient for there not to be an adverse impact on residential amenity. The dwelling lies further from other residents. It is anticipated that the proposed scheme would not have an adverse impact on the existing dwelling at Sunnyside and therefore would be not be contrary to Policy DP1.

#### Highway safety

- 5.19 The Highway Authority has no objections to the proposed development and to the use of the altered access to serve both the existing and proposed dwellings.

#### Other matters

- 5.20 The planning statement makes reference to three other approvals elsewhere in the district which it proposes are relevant: Crosby Lodge, South Otterington (ref. 17/02613/FUL) Wayside, Brompton (ref. 20/02422/OUT) Old Hall Farm, Appleton Wiske (ref. 18/00096/FUL)
- 5.21 Crosby Lodge is a single dwelling to the rear of a house on the village main street, it reflects an existing house in an identical position to the north.
- 5.22 The plot at Wayside is surrounded by residential development on three sides and Brompton is a village with an entirely different character to Welbury.
- 5.23 Old Hall in Appleton Wiske, the approved two dwellings replaced a very large agricultural decaying metal shed, the site is surrounded by residential development on all sides.
- 5.24 It is not considered any of the aforementioned applications set a precedent when considering this site at Welbury.

#### Planning balance

- 5.25 Whilst the IPG would support some limited growth around established settlements the location of this application in a back-land position would be contrary to the local character in the village of Welbury. This harm is not considered to be sufficiently off-set by the provision of a new dwelling in this location.

### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)
1. The scheme is contrary to CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of Welbury by proposing development where it is considered not to be organic growth of the village, providing a natural infill to existing development or a natural extension to the built form.