

Parish: Potto
Ward: Osmotherley & Swainby
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Committee Date : 29 July 2021
Officer dealing : Mr Nathan Puckering
Target Date: 6 July 2021
Date of extension of time
(if agreed):

21/01457/OUT

**Application for outline planning permission with for the construction of two detached dwellings (access only being considered).
at Land To The West Of 50 And 52 Cooper Lane Potto North Yorkshire
for Clayton C/o Saddington Taylor (Agent).**

This application is brought to Committee as the development is considered a Departure from the Development Plan and is considered under the Interim Policy Guidance.

1.0 Site context and proposal

- 1.1 The site is a rectangular parcel of land located to the west of Potto. It is completely undeveloped and currently grassed. The eastern edge abuts the domestic curtilage associated with two large detached dwellings. This is also true of part of the majority of the northern edge, with a detached dwelling situated to the north of the site, with the access to the field situated on the north western corner. The western boundary is defined by a hedge, with open countryside beyond in this direction. A PROW runs along the northern boundary of the site and beyond into the open countryside, with access to the village available through a gate in the north eastern corner.
- 1.2 This application is seeking outline permission for the construction of two dwellings, with only access for consideration at this stage. Access is proposed through the gate in the north western corner which leads along a private track which runs east-west to the north of the site and serves several existing dwellings. This track leads onto Cooper Lane - the main street which runs the length of the village.

2.0 Relevant planning and enforcement history

- 2.1 89/1277/OUT - Outline Application for the construction of a Bungalow and Domestic Garage - Refused July 1989

3.0 Relevant policies

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 CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

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

Development Policies DP32 - General design

Interim Policy Guidance Note

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 - Object on the following basis:

- the development would only make a small contribution to the modest local services which are in Swainby and Hutton Rudby
- 'backland' development out of character with the linear nature of the village
- this along with the approved outline application to the north will have a considerable impact on the built form and character of the village
- the development of the site would be completely at odds with the historic built form of the village and the open rural landscape to the west of the dwellings on Cooper Lane
- may detrimentally impact the PROW
- no evidence of an Ecological Appraisal and it fails to recognise the intrinsic character of the countryside
- the site is an important link to the open countryside and housing would be an unnatural incursion into the open countryside
- concern with how the site will be served, particularly in terms of drainage
- concern with the adequacy of the proposed access
- could set a dangerous precedent for speculative development

4.2 NYCC Highways - The visibility splay available at the proposed access to Cooper Lane from the private Cooper Lane Track has been assessed as falling below the standards set out in Manual for Streets. This is particularly the case to the south east where a hedge has been planted in the public highway verge. On site observations have indicated that due to its nature as a minor residential cul-de-sac Cooper Lane at this location is lightly trafficked and traffic speeds are low. Therefore, it would be difficult to demonstrate that a minor further intensification of the existing access to the public highway would result in an unacceptable impact on highway safety and a refusal on highways grounds would be difficult to sustain on this occasion. Recommend a number of standard conditions.

4.3 NYCC Footpaths - include informative regarding applicant's duties should the PROW be impacted either temporarily or permanently.

- 4.4 Environmental Health - no objections.
- 4.5 Environmental Health (Contaminated Land) - no objections.
- 4.6 Northumbrian Water, The Safety Regulation Group and The Ramblers Association were all consulted but submitted no response.
- 4.7 Site Notice & Neighbour Notification - an objection on behalf of 20 local residents was submitted from Barton Howe Associates and Optima Highways which set out concerns relating to the landscape impact of the development and the harm that would arise to the landscape setting of the village and the concerns with the proposed access and in particular visibility.

In addition, 8 letters of objection were also received which cite the following reasons:

- Potto is an 'Other Settlement' and not a sustainable location for development
- it does not comply with any of the IPG criteria
- poor and contrived design
- it would be at odds with the built form of the village
- it would encroach into the open countryside
- it would have a detrimental impact on the drainage of the village
- concern with access being fit for purpose
- noise and disturbance during construction
- lack of space for the bins which will be used by the additional dwellings
- detrimental landscape impact
- detrimental impact on the PROW
- inaccuracies with the PALC form due to there being large bonfires on the site on several occasions
- the facilitate more housing development is at odds with sustainability and reduction in carbon footprint given it is accessible mainly by car
- concern with the impact on infrastructure, particularly drainage and sewers
- the density of the proposed development would result in the significant transformation of this part of the village and would adversely impact the visual amenity of neighbouring properties
- concern with the impact on biodiversity
- cite 3 recent Inspectors decisions for applications to the west of Potto

5.0 Analysis

- 5.1 The issues for consideration at this stage are i) the principle of two dwellings in this location, ii) the impact on the character and appearance of the open countryside, iii) highway safety/access and iv) the PROW.

The Principle

- 5.2 There is no development limit for the village of Potto so it effectively constitutes open countryside in policy terms. Policy DP9 dictates that development in the open countryside must comply with one the exceptional circumstances set out in Policy CP4. None of these exceptions are being claimed in this instance.
- 5.3 The most up to date policy guidance on rural development is the National Planning Policy Framework, which was adopted in 2012 and has since been updated and consequently post dates policy CP4 of the Local Development Framework. The

NPPF is more supportive of rural housing - in para 78 states in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 5.4 In order to ensure local policy is consistent with the most recent national guidance, the Council adopted the Interim Policy Guidance concerning small scale rural housing outside of development limits, in 2015. The IPG is more permissive of small scale housing development outside of development limits provided it meets all of the criteria set out therein. These criteria are as follows:

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 Potto is classified as an 'Other Settlement' in the updated Settlement Hierarchy. It offers a relatively limited range of services, most notably the large restaurant in the centre of the village. The IPG allows for settlements to collectively create 'Cluster Settlements', where nearby (within 2km) villages which offer a wider range of services can support one another.

- 5.6 The designated 'Service Village' of Hutton Rudby lies approximately 2km to the north of Potto and offers a vast array of services such as sports clubs, shops, a primary school and a church. In addition, the smaller settlement of Swainby is located 1km to the south and offers further minor services. It has been accepted by the Council on several occasions and also by Planning Inspectors that these settlements qualify as a 'Cluster Settlement' and small scale housing development can be supported.

- 5.7 Overall, the location in question is considered a sustainable location for a single dwelling such as the one proposed in this instance and criterion 1 of the IPG is fulfilled.

Scale of the Development and the Impact on the Form & Character of the Village

- 5.8 The construction of two dwellings is considered to be small in scale and therefore the first part of criterion 2 is met. A number of the public objections refer to the cumulative impact of this proposal and the dwelling which was granted permission to the north several months ago. Whilst this is noted, it is not accepted that the cumulation of three dwellings can be said to be harmful in terms of the scale. In any event, each application must be assessed on its own merits.

- 5.9 Potto is a linear settlement in nature with minor ribbon development mainly at its northern-most point and to the east of Cooper Lane where a 20th century cul-de-sac is located in the centre of the village. Whilst there are examples of development that strays from this linear pattern to the north of the site, where 46 Cooper Close is located and there is extant outline permission for an additional dwelling, this 'backland' development is not substantial enough to say that there is depth to the west of Cooper Lane to the same extent of that to the east where Cooper Close is located.
- 5.10 As a result, it is considered that the construction of two dwellings on the parcel of land to the west of Cooper Lane would introduce a depth of development which would be in conflict with the existing built form and character of the settlement. As such it cannot be said to comply with the second part of criterion 2 of the IPG and therefore fails to gain support in principle from this guidance.

The Impact on the Open Countryside

- 5.11 Policy DP30 states the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Furthermore, the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.12 The parcel of land in question is a transitional part of the village which plays an important role in the change in character of the built form and developed core of the village to the east and the open countryside to the west and the overall setting of the village. When one stands on site it does feel as though one is still "in the village" but the undeveloped and unspoilt nature of the site also works to attach it to the open countryside to the west. This role is magnified due the PROW which is clearly a main walking route in and out of the village and means the site, and its defining characteristics, contributes more to the setting of the village and the open countryside than if it were simply an undeveloped field.
- 5.13 It is considered that the construction of two dwellings on this parcel of land would compromise this character and effectively extend the village into this transitional area and lead to a harmful extension into the countryside and have a detrimental impact on an important part of the setting of the village.
- 5.14 As such the proposal is in conflict with policy DP30 of the LDF and by the same token does not meet criterion 4 of the IPG.
Highway Safety
- 5.15 As already explained, the proposal includes utilising the access which serves 46 Cooper Lane which sits to the north of the site. The exact layout of the site is not for approval at this stage but the access will enter the site on the north western corner. In order to assess the adequacy of the proposed access, NYCC Highways were consulted.
- 5.16 A number of the objections refer to the proposed access being unsuitable and unsafe due to poor visibility. The Highways Department acknowledged that the visibility is not to approved standards but offered no objection to the proposal due to the slow nature of the road and the minor increase in use which would arise

from the development. This is accepted and the proposal is considered acceptable on highway grounds.

The Impact on the PROW

- 5.17 Policy CP19 states support will be given to proposals and activities that protect, retain or enhance existing recreational and amenity assets.
- 5.18 A number of the objections refer to the impact on this section of the PROW and cite it as a reason why the application should be refused. There is little information on what the plan for the PROW would be, should permission be granted, and whether a Diversion Order would be sought. Clearly, there is separate legislation in place which ensures that the PROW could not be closed without such an alternative provided. Whilst it is noted that the nature of this small section of the PROW would be altered, it would be very minimal in the grand scheme of things and therefore this is not considered to be a reason for refusal in this case and it would be too much of a stretch to say the development would be in conflict with policy CP19.

Residential Amenity

- 5.19 The plot is considered to be of sufficient size and of a form to accommodate two houses and notwithstanding layout not been considered at this stage, it is considered that the site could be developed without harm to the residential amenity of neighbouring properties.

Planning Balance

- 5.20 The proposal in this instance has been assessed against the requirements of the Council's Interim Policy Guidance on housing in the open countryside and has been proven to fail to meet several of the criteria required to gain support in principle from this policy. Whilst the location itself is considered sustainable for small scale housing development, development of the site would be in direct conflict with the existing built form and character of the village and would harm the setting of the village and the character of the open countryside. Refusal is recommended on that basis.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The development of the site would lead to a detrimental impact on the character and appearance of the open countryside that surrounds the village and serves to provide character to the settlement. This is further exacerbated by the proximity of the public right of way and the enjoyment of the countryside from this route. The proposed development would be in conflict with and harmful to the existing built form of the village. It is therefore in conflict with policy DP30 and the requirements of the IPG.