

Parish: Yafforth

Committee date: 26 August 2021

Ward: Morton-on-Swale

Officer dealing: Andrew Cotton

8

Target date: 14 July 2021

21/01459/OUT

Outline application (with some matters reserved) for residential development to create 2no building plots

For Mrs J Walker & Mrs H Tomkins

At Church View, Yafforth, Northallerton

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

1.0 Site context and proposal

- 1.1 The application site is located within the village of Yafforth. The site forms part of land associated with a property known as Church View and land to the east of Church View.
- 1.2 The site has an existing garage which will be demolished as part of the proposal. To the north of the site lies Old Hall Cottage which is separated from the site by the access track that leads to Old Hall Farm and other properties. To the west lies the property Church View, to the east there is a grass paddock and to the south lies All Saints Church.
- 1.3 The application is in outline form considering access only with all other matters reserved. The remaining matters, i.e. appearance, landscaping, layout and scale, would be for a later application if this application is approved.
- 1.4 The site would be divided into two development plots; Plot 1 measuring approximately 308sqm and plot 2 measuring approximately 360sqm. Access would be taken from south western edge of the site from the B6271.
- 1.5 Amended plans have been submitted which now includes some parking spaces for churchgoers and visitors to utilise.

2.0 Relevant planning and enforcement history

- 2.1 None relevant

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 Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the Countryside
Development Policies DP13 - Housing Mix
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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/homepage/60/new-local-plan-examination>. 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 grounds:

- Church parking

The proposal shows that the lay-by (which is currently used for Church associated parking) would be removed to provide an access point for the proposed development. No alternative provision for Church car parking has been considered or included. The Church is situated on a sharp, blind corner, adjacent to a busy road that runs through the centre of the village. Traffic passes through the village almost constantly and although there is a 30mph speed restriction in place, vehicles are often travelling faster than this. A large percentage of the traffic passing through are lorries and large vans or tractors. If the facility to park off the road adjacent to the Church were to be removed, it would create a serious safety issue. Yafforth is in a rural location and therefore many of the visitors to Church live outside the village and therefore arrive by car. Also, many of these visitors are elderly and need to be able to park close by. The only alternative would be to park on grass verges which would be dangerous on such a busy road, and it would lead to ruined verges. There would be an increase in cars parking along East Lane, which is residential. The congestion would cause problems for people accessing their properties and large tractors and vehicles would not have adequate room to get through safely. In addition to those either attending regular Church services and events or visiting the graves of family and friends, a designated parking area is a necessity for funeral vehicles, wedding cars, grave diggers, grass and maintenance contractors etc.

- Affect on community hub

All Saints Church is also a vital central hub for the villagers and local residents, providing a venue where the community can host village events, meetings, coffee mornings, fetes and fund raising activities. Once again, many of those attending arrive by car, and need car parking or a safe area to unload items from their vehicles. All Saints Church has had unrestricted use of this adjacent land

going back many years. A few older villagers remember this as a lane where the vicar and parishioners would secure their horses and carts whilst at church.

- Access visibility and safety issue

There is a concern how safe the proposed access would be. The access is from the B6271 which is a busy main route into Northallerton. Visibility along the road (to the North West) at the access point is poor due to large bushes along the perimeter of no. 1 Church View. These are not owned by the applicants and therefore would not be removed for purposes of this application. The site access is also very close to a blind corner to the South, with no visibility of approaching traffic. Stationary traffic waiting to turn right into the proposed site could create a hazard. No footpath exists from the former school to the Church, and the grass verge is too narrow for safe pedestrian use as the land at the side of the verge falls away into the adjoining garden.

- Land registry

We comment regarding the area of land outside the perimeters of the gardens of Church View and no. 1 Church View referred to on the application as an area of 'hard standing' where wagons parked overnight. Prior to the wagons parking on-site, this was a lane, open to anyone, commencing at the current church lay-by and ending on the private road leading to Old Hall Farm, (to the north of Church View). An old village map shows that a walkway or bridleway passes the full length of the lane. The application does not appear to acknowledge this. Furthermore, records from the Land Registry show that the Title for this land is currently on a Possessory Title, which was registered in April 2013, and is not an Absolute Title.

- Tree removal

The application states that several mature trees would be removed along the perimeter of Church View, though at this stage it is not clear whether more trees would be planted for Carbon Offset and to protect the environment. A concern was raised as Bats are regularly seen flying in this area. Also, this is a lush, green area, and removal of too many trees would spoil the pleasant outlook for surrounding properties

4.2 Street naming and numbering: No an application would be required at the detailed matters stage

4.3 Highways: No objection subject to conditions

It is understood that the control of part of the land proposed to form the site access is disputed; however as this area falls outside the public highway boundary, this issue is considered to be a civil matter and outside of the remit of the local highway authority. It is noted that this location provided the access to a haulage yard from the public highway in recent history and with some trimming back of the existing vegetation to the north to the public highway boundary, it is considered that a satisfactory visibility splay can be achieved.

4.4 Public comments – 19 objections were received to the initial round of consultation raising the following concerns:

- Concern over land ownership;
- Highways safety concern;
- Loss of parking;
- No reason for residential development in Yafforth; and
- Improper public consultation
(Officer comment: a site notice was displayed near the site for a period of no less than 21 days. An additional round of consultation was carried out for an additional 10 days.)

Following receipt of amended plans a second round of consultation was carried out for 10 days, the following additional concerns were raised in two additional responses:

- Concern over land ownership
- Highways safety concern
- Loss of parking
- How proposed parking spaces would be ensured they remain in perpetuity

5.0 Analysis

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

Principle of development

- 5.2 The site is located within the settlement of Yafforth which has no Development Limits. Policy DP9 states that development will only be granted for development beyond Development Limits "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 The NPPF states that "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 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.
- 5.5 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
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 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.7 Taking these factors into consideration, for the development to benefit from the IPG, Yafforth would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.8 The nearest main settlement is Northallerton, a Service village, is located 1.5km to the east. As such, the proposal satisfies criterion 1 of the IPG that development must provide support to local services including services in a village or villages nearby.

Heritage Matters

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight must be given to the desirability of preserving the setting of listed buildings.
- 5.10 Chapter 16 of the NPPF (2021) 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. Similarly, Core Strategy Policy CP16, DP28, DP29 and emerging Local Plan policy E2. requires development within or affecting the setting of a heritage to seek to preserve or enhance the significance of the assets.
- 5.11 There are two listed buildings located in proximity to the development site. All Saints Church is located to the south of the application site and The Old Hall to the east. Both of these buildings have potential for a loss of significance to occur through development located within their setting.
- 5.12 The Old Hall is a dwelling dated 1614, built in red brick under a pantile roof. The house is 2 storeys with 2 gabled bays. The majority of its significance is considered to come from its age and architectural form and design. The hall is a prominent building and clearly relates, functionally to the wider countryside that surrounds the site.

- 5.13 To the south of the site is the Church of All Saints, which was virtually rebuilt in 1870 by J P Pritchett with a Norman window on the west side of the tower. The building is finished in Ashlar with coursed rubble stone and graduated slate roofs. The significance of the building is considered to be derived from the cultural relationship to the community along with the age and architectural design of the building.
- 5.14 The applicant's statement provides a brief analysis of the impact of the proposed development on the setting of the listed church, stating that the proposed dwellings would be about 15m to 30m from the Church boundary. The statement goes on to say that combining this distance with intervening planting that any impact on the setting of the church is minimised and that there is no harmful impact on the significance of the Church.
- 5.15 The application does have the potential to adversely impact on the setting of the two listed buildings, in particular the Church and clearly the application site is located within the setting of both of these buildings. However, given the site context and the relationship of the site and the listed buildings to the village, it is considered that the application site sits within the context of the village and as such forms part of the wider, built up context of the listed buildings and as such the proposed development, subject to detailed design considerations, does not result in a harmful impact on the setting of the listed buildings. As such the proposals are considered compliant with the requirements of both the NPPF and Local Development Framework policy.

Character and Appearance

- 5.16 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this case 2 dwellings are proposed and as such is considered small in scale. Additionally, the site is relatively well screened particularly with the built form of the settlement to the north, east south and west of the site. As such the proposal is not considered to have a harmful effect upon the character and appearance of the surrounding location or open countryside.
- 5.17 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 form only with all matters reserved. Only a site plan has been provided showing the application site divided into two development plots (308sqm and 360sqm) with access taken from B6271.
- 5.18 It is considered that the site is of a size capable of accommodating 2 dwellings. Comparing the dwelling plots to the wider dwelling to plot ratios nearby, they are found to be broadly consistent.
- 5.19 It is recognised that the site is distinctly separate from the wider countryside and is read in the context of the existing built form. The existing landscape is such that it allows the site to be viewed more in the context of the existing built form and not as an element in the surrounding countryside landscape. Therefore, the impact on the natural surrounding landscape would be minimal. The proposal is considered to accord with the principles of policies CP16, DP10 and DP30.

Neighbour Amenity

- 5.20 The nearest residential properties are located to the north (Old Hall Cottage) and to the east and west of the site also, with the closest property in excess of 21m to the site boundary. 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.

Highways

- 5.21 The Highway Authority has no in principle objection to the proposed development. Were the outline application approved, it has recommended a number of conditions.
- 5.22 A number of the objections received raise concern with the loss of the informal parking often utilised by parishioners of the nearby church on the land proposed to be used as an access to the site. While this is an informal arrangement the applicant has agreed to provide a small number of formal parking spaces within the site to still allow some parking by Parishioners and visitors.

Ecology

- 5.23 Policy DP31 of the Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.24 A Preliminary Ecological Appraisal (PEA) has been carried out and submitted in support of the proposal. The PEA identifies that the site is of generally low ecological value with no priority habitats on or adjacent to the site, and no designated wildlife sites within 2km.
- 5.25 The council recommends that in accordance with NPPF para 180, proposals should demonstrate a 'measurable' net gain in biodiversity. This is transposed to local policy and the emerging Environment Bill which is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country.
- 5.26 Given that the application is in outline for access only, it is considered appropriate conditions could be used to secure the necessary information is submitted and approved.

Other Matters

- 5.27 A concern raised through a representation received relates to the type of title the applicant holds over the land and that the planning application should be held in abeyance until the title dispute is resolved. The applicant has signed certificate A on their planning application form, which confirms they own the land either freehold or having a leasehold interest with at least 7 years left to run. Whether the title is absolute or possessory is a civil matter to be resolved outside of the planning process.

Planning balance

5.28 The proposal is considered to comply with all 6 criteria as set out in the IPG document. The proposals are considered to result in no harmful impact on the significance of the nearby listed buildings. The proposed development is considered to be acceptable and therefore is recommended for approval subject to conditions.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five 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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; and (d) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Proposed Site Plan 105-21/01B as received by Hambleton District Council on 5th July 2021 unless otherwise approved in writing by the Local Planning Authority.
4. The development must not be brought into use until the access to the site a has been set out and constructed in accordance with Standard Detail number E6 Var and the following requirements:
 - Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - Provision to prevent surface water from the site/plot discharging onto the existing highway which must be constructed and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been

submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

7. There must be no excavation or other groundworks, except for Investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular parking; and
- Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development must be brought into use until the vehicle parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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:

- Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- The parking of contractors' site operatives and visitor's vehicles clear of the highway;
- Areas for storage of plant and materials used in constructing the development clear of the highway;
- Details of site working hours; and
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

9. Prior to commencement of development, a scheme for the demolition and removal of the glass house structures and restoration of the site, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be progressed in accordance with the approved details.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
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 DP23.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interest of public safety and amenity.
9. In order to ensure that the anticipated environmental improvements are achieved, in accordance with Core Policy CP4