

Parish: Great and Little Broughton
Ward: Stokesley
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Panel date: 10 February 2022
Officer dealing: Mr A Cotton
Target date: 18th October 2021

21/02076/OUT

Revised application for outline planning permission with some matters reserved (considering access, appearance, layout and scale) for the construction of 2no bungalows

At: OS Field 9348, Back Lane, Great Broughton, North Yorkshire

For: Mr P Cooper

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

1.0 Site, Context and Proposal

- 1.1 The application site is located to the east of Great Broughton, which is approximately 2km to the south-east of Stokesley. Great Broughton accommodates a range of services and facilities and is categorised as a Service Village in the Settlement Hierarchy.
- 1.2 The settlement of Great Broughton is predominantly linear, formed along the B1257, which has a north-south axis. There is also development along Kirkby Lane, which passes centrally east west, albeit this form is less pronounced.
- 1.3 The village is enclosed to the south and east by the hills along the edge of the North York Moors National Park.
- 1.4 The site is approximately 0.23 hectares in size. There are three agricultural buildings on site currently. Otherwise, there is little development along this side of Back Lane.
- 1.5 There is residential development to the west of Back Lane, which faces out away from the village, viewing out to the application site and wider countryside. These properties are accessed via Back Lane.
- 1.6 The application is in outline considering access, appearance, layout and scale only for the construction of 2 bungalow dwellings.
- 1.7 The remaining matters, of design and landscaping would be for consideration at the appropriate stage if this application is approved.
- 1.8 A public footpath runs through the western edge of the site and across the existing site access heading north west.

2.0 Relevant Planning History

Whilst not forming part of the application site but still relevant as is a similar proposal located just to the north of the application site.

- 2.1 16/02442/OUT - Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings - Appeal Dismissed 31 January 2018
- 2.2 18/00967/OUT - Outline application with details of access (all other matters reserved) for residential development of up to five dwellings – Refused September 2018. Appeal dismissed.
- 2.3 20/02132/OUT- Construction of three dwellings – Refused April 2021

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

Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 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.

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – object raising the following concerns:
- Reasons for refusal of previous scheme apply;
 - Outside of settlement boundary, in open countryside and adjacent applications refused and decisions upheld by inspectors at appeals.
 - If approved would set a precedent for further development
- 4.2 NYCC Highways – No objection subject to conditions.
- 4.3 NYCC Footpaths – No objection subject to informative.

4.4 Street naming and numbering – No application required until reserved matters stage.

4.5 Environmental Health – No objection subject to condition.

4.6 Natural England – No objection

4.7 Public comments – eleven letters of objection making the following comments:

- Development is outside of village;
- Sites already earmarked for development within the village are sufficient;
- Impacts upon amenity of existing residents
- Highways safety concerns;
- What will happen to current farming operation at the site/will an application be submitted in the future for new agricultural buildings for the farm; (*Officer Comment: Any future application would be considered at the time of their submission and against the relevant planning policy in force.*)
- Currently large amount of noise emanates from the site;
- This will just be the start of a much larger development/will set a precedent.
- Classification of Great Broughton as a Service Village is incorrect/many of the services have closed; (*Officer comment: the village is classed a Service Village in the most up to date settlement hierarchy additionally it is noted Great Broughton remains designated as a Service Village in the settlement hierarchy under emerging Local Plan policy S3*)
- Disproportionate parking provision for size of dwellings;
- Approval of this application would lead to approval for 75 dwellings as originally proposed.

Five letters of support have also been received raising the following points:

- Much needed housing for the village;
- Removes noise and smells from livestock;
- Appear in keeping with the village;
- An improvement on the farm buildings;
- The site is already well screened;
- Much needed bungalows for the village.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development in this location; (ii) design, character and appearance; (iii) housing mix; (iv) neighbouring amenity; (v) ecology and trees; (vi) drainage and flood risk; and (iv) highway safety.

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 The buildings are small scale, typical agricultural buildings with a utilitarian appearance which reflects their use. One of the buildings is used for the housing of cattle. This building is within approximately 50m of the nearest residential property (The Dorkings). As mentioned above the building's appearance is utilitarian and relatively typical in a rural location such as this. The buildings are not considered harmful in this location and as such their removal is not considered to be a significant environmental improvement.

5.4 The proposal is therefore not considered to be compliant with exception ii) of policy CP4 of the LDF. No other exceptions are claimed by the applicant.

5.5 Concern has been raised by the Parish Council and through public comments that granting permission for this proposal could set a precedent for further residential development on this side of Back Lane and that the proposal should be refused in line with other refused applications and dismissed appeals on this side of Back Lane. Clearly, this application is different from those earlier applications in that it involves the re-development of existing buildings rather than open fields. However, there is very limited residential development on this side of Back Lane and any additional residential development will lead to a change in character. Whilst all applications are considered on their own merits, the domestication and urbanisation of this site will lead to a change in character which may lead to further development pressure in this location.

5.6 Given the lack of compliance with CP4 the development then needs assessment against the Council's Interim Policy Guidance.

5.7 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 relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.8 The village of Great Broughton is considered to be 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 within walking distance of the centre of Great Broughton which has facilities including a school, church and a public houses. Criterion 1 would be satisfied, and the principle of additional residential development would be acceptable.
- Character and appearance of the village and the rural landscape
- 5.9 It is important to consider the likely impact of the proposed development with regard to criteria 2, 3 and 4 of the IPG.
- 5.10 Policies CP16 and DP30 of the Hambleton Local Development Framework require development to preserve and enhance the District's natural assets and to respect the openness of the countryside. The application site is on the east side of Back Lane, with the lane demarking the built form of the village from the countryside beyond. Houses on Back Lane do not generally face onto the lane, with their back gardens bounding the lane as a rule. This all contributes to the rural character of the lane.
- 5.11 The proposed redevelopment of the site for housing is considered to erode this character and result in a harmful impact on the rural character and appearance of the area. The development will lead to an urbanisation and domestication of the site to the detriment of the character of the area and contrary to the requirements of CP16 and DP30 of the adopted Local Development Framework.
- 5.12 It is also important to consider the requirements of policy contained within the emerging Local Plan. Of particular relevance are policy S3 and Policy HG 5 which look at the principle of housing in these types of location.
- 5.13 Policy S3 seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. Policy S3 identifies the built form of a settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, but excludes amongst other things d) agricultural buildings on the edge of the settlement. As such the proposed development is not considered to comply with the requirements of policy S3.
- 5.14 Policy HG5 similarly to the Interim Guidance, is supportive of development adjacent to the built form of Service, Secondary and Small Villages where the requirements of Policy S3 are met. It is considered in this case, owing to the agricultural nature of the site that the requirements of Policy S3 are not met. Further, in order to comply with policy HG5 proposals should demonstrate that:
- a) a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b) it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

c) represent incremental growth of the village that is commensurate to its size, scale, role and function;

d) not result in the loss of open space that is important to the historic form and layout of the village; and

e) have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 5.15 Notwithstanding the failure to meet the requirements of policy S3 it is considered that the proposals fail to comply with the requirements of part e) of policy HG5 owing to the harmful impact on the character of the countryside surrounding the village.

Design, Character and appearance

- 5.16 Policy DP32 is concerned with achieving high quality design of developments which take account of local context and character. In addition, also important to note is Policy CP17 which dictates development must respect and enhance local context.
- 5.17 In terms of scale, as demonstrated on drawing 21-030/02/B the proposal would be generally comparable in scale to the two main agricultural buildings on the site. Each bungalow would sit roughly within the footprint of the respective agricultural buildings although would be smaller in height and volume. This combined with the removal of the third agricultural building would result in a reduction in the amount of built form on the site.
- 5.18 In respect of character of the built form of the settlement, this proposal is smaller in scale than the previously refused proposal for this site on the eastern side of Back Lane and as mentioned above would represent a reduction in the built form on the site. The site plan shows that the two bungalows which would sit slightly back within the site and would utilise an improved access point.
- 5.19 Residential development predominantly exists on the opposite side of Back Lane and as stated earlier in the report the proposed development in this location is considered to result in an urbanisation of this part of the village to the detriment of the character and appearance of the area.
- 5.20 The proposal is considered to fail to accord with policies CP17 and DP32 of the LDF.

Housing Mix

- 5.21 The Council Size, Type and Tenure of New Homes SPD sets out the Council's ambition for a range of dwelling size type and tenure to adequately accommodate the needs to the district. The proposal is for two dwellings; one two bed unit one three bed unit, both of which are bungalows. The proposal would reflect the need for smaller bedroomed properties as set out in the SPD and being bungalows help to cater for elderly member for the community or those with limited mobility. The proposed size and mix of dwellings would comply with the guidance of the Size, Type and Tenure of New Homes SPD and policy CP8 of the LDF.

Neighbour Amenity

- 5.22 The nearest residential property is located to the west side of Back Lane opposite the development site. Given the size of the site, the scale and design of the proposed dwellings, it is considered that there would be no adverse level of harm to residential amenity and as such the proposal would accord with Policy DP1.

Ecology and Trees

- 5.23 The existing trees and hedgerows fronting Back Lane as well as those surrounding the site on all other sides would be retained. The Tree survey prepared by Elliott Consulting makes recommendation for temporary tree protection measures to protect these assets during construction. A condition could be used to secure the tree protection measures as recommended in the tree survey.
- 5.24 A Preliminary Ecological Appraisal (PEA) & Bat survey have been submitted in support of the application. These documents demonstrate that subject to mitigation measures the development could be implemented without detrimental impacts to wildlife. Subject to appropriate conditions there are no ecological issues which would preclude a grant of permission.

Drainage and Flood risk

- 5.25 The site is located in flood zone 1 with the lowest probability of flooding. Foul and surface water drainage could be dealt with via condition. The applicant has indicated they would seek to deal with surface water in accordance with the Environment Agency drainage hierarchy.

Highways

- 5.26 The Highway Authority has no in principle objection to the proposed development subject to a number of conditions. It is considered the proposed access arrangement would not have detrimental impact upon highways operation or safety. Adequate parking and turning provision is provided within the site.

Planning Balance

- 5.27 The proposal is for development outside development limits and outside the main built form of the settlement. Whilst the site is developed for agricultural purposes at present, the proposals are not considered to result in a significant environmental improvement and as such it is considered that the development fails to meet the requirements of both existing and emerging policy in terms of the development of sites on the edge of a settlement. The proposed development is considered to result in an urbanising effect on the site and will erode the rural character of Back Lane to the detriment of the character of the village and the countryside surrounding the village.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development is located in open countryside, outside of the main settlement form. It is considered that the proposals will result in an urbanisation

of the countryside surrounding this part of the settlement to the detriment of the character and appearance of the settlement and that of the countryside surrounding the settlement. It is therefore considered that the proposals are contrary to policy CP4 in terms of the principle of development along with policies DP30 and DP32 in terms of the quality of the development and its harmful impact on the character of the countryside. The proposals are also considered to fail to meet the requirements of the Interim Policy Guidance. It is further considered that the proposals fail to comply with the requirements of emerging Local Plan policy S3 and HG5.