

Parish: Ainderby Quernhow

Ward: Tanfield

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Committee Date: 22 December 2022

Officer dealing : Mr Connor Harrison

Target Date : 4 November 2022

Extension of time:

22/02052/OUT

Application for outline planning permission with some matters reserved (considering access, layout and scale) for construction of 3no. dwellings with associated garaging, access and parking.

At: Land Adjacent Ainderby Villa, Ainderby Quernhow

For: Mr NMF Jopling

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council

1.0 Site, context and proposal

- 1.1 The site is located adjacent to a defined settlement (Ainderby Quernhow). Ainderby Quernhow is defined as a Small Village within the Local Plan.
- 1.2 The proposed location of the development is within land on the southern perimeter of Ainderby Quernhow. The site consists of agricultural land between Ainderby Villa and The Joiners Cottage. The site is located on the southern side of the B6267 and is opposite the junction between this road and Sinderby Lane and contains a Public Right of Way (PROW) which runs out of the site and into the open countryside found to the south. The site is within 60m of two Grade II Listed buildings: The Old Hall and Ainderby Villa.
- 1.3 This application is seeking outline planning permission for three dwellings, with matters of access, layout and scale to be considered.
- 1.4 The proposed dwellings would consist of one four-bedroom property (approximately 142m² in size - not including attached 22.4m² garage) and two three-bedroom properties (approximately 119m² in size). The proposal does not include any provision for affordable housing or contributions due to the total number of dwellings being below the threshold set out in the NPPF and Local Plan (5 dwellings).

2.0 Relevant planning and enforcement history

- 2.1 01/50000/O - Outline application for residential development – refused.
- 2.2 01/00581/OUT - Outline application for residential development – refused.
- 2.3 16/00373/FUL – [not the same site but within village] Demolition of farm buildings and construction of 4 new dwellings, associated parking and formation of new access as amended by plans received by Hambleton District Council on 12 September 2016. –permitted.
- 2.4 22/02051/OUT - Application for Outline Planning Permission with some matters reserved (considering Access, Layout and Scale) for construction of 2no. Dwellings with associated garaging, access and parking. – pending consideration.

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.

The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:-

Policy S1 - Sustainable Development Principles
Policy S2 – Strategic Priorities and Requirements
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy S7 – The Historic Environment
Policy HG2 – Delivering the Right Type of Homes
Policy HG4 – Housing Exceptions
Policy HG5 – Windfall Housing Development
Policy E1 – Design
Policy E2 – Amenity
Policy E4 – Green Infrastructure
Policy E5 – Development Affecting Heritage Assets
Policy E7 – Hambleton’s Landscapes
Policy IC2 – Transport and Accessibility
Policy RM3 – Surface Water and Drainage Management

4.0 Consultations

- 4.1 Ainderby Quernhow Parish Council – No response.
- 4.2 Neighbours and Site Notice – No response.
- 4.3 NYCC Highways Authority - Questions regarding visibility splays as these have not been shown by the applicant. There are signs belong to Highways and relating to the highway with the vicinity of the proposed access and the applicant will need to confirm the access will not affect the signs and that visibility will not be obstructed.
- 4.4 Environmental Health – Advised that an approval should contain a noise condition and following comments given: “The proposed development is in close proximity to a busy local and national road network and as such future residents may be exposed to high levels of road traffic noise. Therefore, it is advised that an appropriate noise impact assessment (NIA), which should identify potential noise sources and be undertaken by a competent person, would need to be submitted in writing to the local planning authority. The NIA should detail the typical existing noise environment at the proposed site and determine what noise mitigation measures, if any, should be considered.”
- 4.5 Contaminated Land – No response.
- 4.6 Yorkshire Water – No objection. Conditions provided.

- 4.7 NYCC Public Rights of Way – “From the drawings submitted, the public footpath appears to be within the curtilage of House 3. Prior to considering the detailed design, more information will need to be provided to North Yorkshire County Council’s Countryside Access Service showing how the public footpath will be accommodated within the development to ensure a minimum available width of 2 metres for the footpath.”
- 4.8 The Ramblers Association – No response.
- 4.9 RAF Linton on Ouse – No response.
- 4.10 Yorkshire Wildlife Trust – No response.
- 4.11 Waste and Streetscene – No response.

5.0 Analysis

- 5.1 The main issues for consideration are i) principle of the proposed development; ii) growth of the village; iii) Housing mix; iv) Design and landscape impact; v) Amenity; vi) Highways and PROW; vii) Drainage; viii) Heritage; ix) Biodiversity.

Principle of the proposed development

- 5.2 Ainderby Quernhow is classed as a “Small Village” within Policy S3 of the Local Plan. This definition identifies the limited services available to the settlement in terms of community facilities, areas of employment and public transport links. There are no local services and limited employment opportunities within the village itself, with industry restricted to the agricultural businesses in the eastern part of the settlement.
- 5.3 The agent has identified that Pickhill, a village approximately 3km to the north, contains a number of community services which could be used by any potential inhabitants of the scheme. However, given the distance between the two settlements it is considered that the facilities in Pickhill could not reasonably be regarded as being within the immediate area of Ainderby Quernhow and are separate from the settlement.
- 5.4 The nearest employers would be AQ Logistics, 1.4km to the south-west, and HECK Food and Alfred Hymas, both located approximately 2km to the west. There is no clear link between these businesses and the proposed site in terms of their fulfilment of an existing employment need and in physical terms there exists a reasonable disconnect, with each business separate from Ainderby Quernhow and only practically reachable through vehicular means.
- 5.5 The ongoing expansion of Leeming Bar’s (13.6km distant) economic facilities and the associated need for homes for employees has been highlighted as a material consideration weighing in favour of the proposal by the agent, however it is the officer’s opinion that this does not form a material consideration which may be given significant weight. In addition to the distance between the site and Leeming Bar, the inclusion of two allocated sites at Leeming Bar (LEB1 and LEB2) contributing approx. 165 homes means that this development is not considered to be necessary

to support the economic development of that site. Using a similar distance to that argued by the applicant would see the employment sites near Ainderby Quernhow supported by allocations at Burneston (BUR1 – 25 dwellings) as well as by sites within Harrogate Borough Council's remit, including 115 dwellings at Dishforth and 62 at Sharow, Ripon. It is therefore unclear as to how valuable a contribution this site would be to those employment sites.

- 5.6 Whilst Policy S3(d) allows for limited development within small villages, this is dependent in part on the development demonstrating that it can “support social and economic sustainability”. This is not considered to be the case in this instance, with reasonable distances between the site and both social and economic facilities. Additionally, the connection between the proposed dwellings and an expressed and quantifiable economic need has not been demonstrated, particularly when it appears that that need may be satisfied by nearby allocations both within and without Hambleton.
- 5.7 The site is also considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) as it is deemed that the character of the site relates more readily to that of the surrounding countryside than to the settlement itself. Whilst there is a relatively close relationship between the Old Hall and the development in terms of proximity, the presence of well-established boundary treatments ensures that there is a clear delineation between the two sites. This, coupled with the field running beyond the boundaries of the dwelling, in addition to the unbroken view from the field to the countryside to the north ensures that the visual relationship of the site to relates more to the wider countryside. The field is within the countryside and only next to the dwelling.
- 5.8 This means that the proposal is required to be assessed using HG5(a) and so evidence of a sequential approach to site selection should be provided. There has been no submitted evidence of a sequential approach to justify the siting of the development beyond the concept of it acting as “infill” between the eastern and western sections of the settlement.
- 5.9 The submission considers that the site is “previously developed land” by virtue of being a former quarry, however the land is currently not in use and does not meet the definition of the term set out in the NPPF. Outside of the definition of the term, there is no record of a quarry or any other development within the site on maps dating from 1856, 1908 or the mid-20th century and it is not considered that this site represents brownfield land.
- 5.10 With the above in mind, it is therefore considered that, despite its inclusion in the settlement hierarchy, the capacity of Ainderby Quernhow to support additional housing and social sustainability is hampered by a lack of local facilities and by poor links to those areas where these facilities are found. Further, it has not been adequately demonstrated that the provision of three dwellings will meaningfully contribute to the sustainability of any local enterprise or social facility and so fails to meet the policy.

Growth of the village

- 5.11 HG5(c) asks that proposals individually or cumulatively “represent incremental growth of the village that is commensurate to its size, scale, role and function”. Ainderby Quernhow currently comprises 28 dwellings, and so an increase of three dwellings would represent a 10.7% increase in the scale of the settlement which, given its status as a Small Village, is not considered to be commensurate with its size, scale, role and function (as a settlement without local enterprise or social facility).
- 5.12 If read within the context of the further 2 dwellings currently being applied for to the north, this would be a combined 17.8% increase. If read within a wider context dating from the planning permission granted by ref. no.: 16/00373/FUL then the village would have increased in size by 34.8% within the last 6 years, a number which rises to 43.5% if the site to the north comes forward. This level of growth is considered to be unsustainable and contrary to HG5(c) in that it does not represent incremental growth.

Housing mix

- 5.13 Policy S3(d) provides an element of support for development in rural locations, where limited development will be supported to help address affordable housing requirements. It is not considered that the proposal meets any of the exceptions set out in Policy HG4.
- 5.14 The type of dwelling required from potential housing stock is identified within the Housing SPD and differs depending on whether the proposal includes affordable or market housing. It is acknowledged that there is some demand for larger houses and that a number of factors can come into play when determining the acceptability of a mix (e.g. the current housing market conditions, etc.). Despite this, however, there still remains within the document an approach which emphasises the need for smaller, more modest dwellings. This need is explained within Policy S2’s discussion as being based on a lack of affordable housing for under-35s and a reduction in the size of the average household within the district.
- 5.15 Policy HG2(f) asks that, within a development, a range of house types be provided that reflect and respond to the existing and future needs of the district. These needs are outlined within Table 3.1 of the Housing SPD, which indicates that in market housing the target mix is largely composed of 2- and 3-bedroom dwellings, whereas in affordable housing there is a preference for 1- and 2-bedroom dwellings.
- 5.16 The site is not required to provide affordable housing owing to it consisting of fewer than 5 dwellings. However, as the site is considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) then there is a requirement under both HG2(f) and HG5(b) to provide a housing mix which accords with the Housing SPD.
- 5.17 The proposed mix consists of two 3-bedroom units. 3-bedroom dwellings are identified as forming between 40-45% of the target mix and so would be acceptable in principle.

- 5.18 The proposed mix consists of two 3-bedroom units and a 4-bedroom unit. Whilst 3-bedroom dwellings are identified as forming between 40-45% of the target mix, 4-bedroom dwellings are only identified as forming 0-10%. The applicant has not submitted any detail as to the requirement for a four-bedroom property within Ainderby Quernhow and information collected by the Council's Housing team suggests that need within the Thirsk area is primarily centred around 1- and 2-bed houses. This being the case, it is considered that the inclusion of a 4-bedroom property within the scheme without justification conflicts with Paragraph 3.6 of the Housing SPD and so would fail to meet the requirements of HG5(b).
- 5.19 The range of dwellings provided are NDSS compliant, though run slightly large – that the units run between approximately 12.7-14.3% larger than NDSS is within tolerance, though this increase would increase the price of the properties, pushing them further from general affordability.
- 5.20 The mix does not then accord with the requirements of S3(d), HG2(f), HG5(b), the Housing SPD or the SHMA, all of which place emphasis on the provision of smaller (and therefore more affordable) homes where possible (particularly within Small Villages) and which require the provision of larger homes to be evidenced.

Design and landscape impact

- 5.21 The NPPF at Paragraph 130(c) asks that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is carried through into the Local Plan, with Policies E1 and E7 addressing the matter directly, with further requirements within Policies S3 and HG5 that a proposal must not harm the character and appearance of the settlement.
- 5.22 Policies E1(a) and E1(b) asks that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness. The character of Ainderby Quernhow is split between east and west; the east of the village hosting larger, detached properties and the west mainly consisting of smaller dwellings arranged in short terraces. The arrangement of the two properties adjacent to the road matches that western form identified above and, whilst slightly large, maintains the character of this part of the village.
- 5.23 However, the detached house to the south presents as an anomaly within the built form of the village, particularly at the western end. This is due to the departure from the loose-linear character of the settlement, where buildings that project into the countryside are either agricultural or ancillary to a large dwelling (historic mapping shows that Fletcher House was originally associated with The Old Hall and the cul-de-sac to the east is regarded as being outside of Ainderby Quernhow's established character in terms of form). It should be noted that the agricultural buildings to the east which are set away from the road follow the route of the old road and so still, to a degree, represent historical linear development.
- 5.24 The site is prominent within the village, sited as it is against the B6267 and immediately adjacent to the junction of that road and Sinderby Lane. The site has been identified as being of significance to the setting of this part of the village due to the intervisibility offered by the site, particularly when viewed from the north. This is regarded in the Hambleton Landscape Character Assessment and

Sensitivity Study as being a relatively rare type of view within the Leeming Corridor area and would be significantly affected by both the roadside development and the in-depth development.

- 5.25 The site measures between approx. 27.8m and 36m across and is currently wholly unimpeded by development and so the presence of the proposed dwellings, stretching across approx. 22.4m (62.2-80.5%) of the site, would severely impact the openness of the area. In addition, this restriction combined with the in-depth development would diminish the rural context in which the site and the village are found, contrary to Policy HG5(e) which attempts to prevent the “loss of countryside that makes a significant contribution to the character or setting of that part of the village”.
- 5.26 Policy E7 seeks to ensure that a development will “protect and enhance the distinctive character of a settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area”. This is not deemed to be the case in this instance, and it is unlikely that a future landscaping scheme would be able to appropriate mitigate this as the current site is defined by its openness, with any planting aimed at softening the appearance of the scheme instead serving to reduce this specific part of its character.
- 5.27 It has already been considered above that there will be harm to the character of Ainderby Quernhow and that development of the site will lead to the loss of an area which provides a significant and locally distinctive view through the immediate area and into the adjacent countryside. The scale and massing of the proposed site would not lend itself well to the site location and would have a detrimental impact on the character and appearance of both the townscape and on the adjacent countryside.
- 5.28 The proposed development does not pay sufficient regard to the character and appearance of Ainderby Quernhow and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.
- 5.29 The proposed development does not pay sufficient regard to the character and appearance of Ainderby Quernhow or the adjacent countryside and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.

Amenity

- 5.30 The site is not within proximity of any building which is considered to be a potential source of noise, odour, light or pollution. Additionally, the proposed units are not considered to be so close to each other as to cause overbearance or issues of privacy and each unit has adequate private amenity space. The properties within the site are sufficiently distant from neighbouring properties as to not result in any neighbour amenity concerns.
- 5.31 The Council’s Environmental Health Team have expressed concern over the proximity of the development to the highway to the north and have requested a Noise Impact Assessment to be submitted as part of the application. It is therefore considered that without such an assessment there is the potential for harm to the residential amenity of the potential occupiers through road traffic noise. The

proposal is therefore not considered to accord with Policy E2 at present, though this could be remedied through an appropriately worded condition and is not considered to be a reason for refusal.

- 5.32 A Land Contamination Report will be required for the site. This could also be appropriately conditioned.

Highway safety and PROW

- 5.33 There is provision of parking on site. The number of parking spaces within the site is considered to be sufficient, with the inclusion of the garages.
- 5.34 NYCC Highways Authority have requested details regarding the visibility splays at the site and for information regarding the highways signs that could be impacted by the development. It is considered that these details could be obtained through the imposition of an appropriately worded condition.
- 5.35 NYCC Public Rights of Way have expressed concern as to the relationship between the public footpath and the development. The agent has supplied information to demonstrate that the public right of way would not be permanently affected by the proposal and that the existing route would be maintained.
- 5.36 It is considered that, with the imposition of appropriate conditions, the scheme could meet the policy requirements of Policy IC2.

Drainage

- 5.37 Yorkshire Water have indicated their support for the proposal and have included a number of conditions in their response. The site has a drainage ditch running along the western boundary and which drains northwards, leading to Ainderby Quernhow Beck, 440m to the north-east. Upon visiting the site, it was apparent that the north-west was damp underfoot and that the species of plants there appeared to be of a type which favoured wet conditions.
- 5.38 Given that the land levels within the site drop towards the west, the proximity to an existing land drain and the eventual movement of its surface water to a watercourse within both Flood Zones 2 and 3, a drainage scheme would be required to better understand the wider drainage implications of the site and its management.
- 5.39 If appropriately conditioned then it is considered that the scheme could achieve policy compliance with Policy RM3.

Heritage

- 5.40 Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.41 Despite being relatively close to the Grade II Listed The Old Hall and the Grade II Listed Ainderby Villa, there is a reasonable degree of visual distinction between the site and the heritage assets. This is aided by the presence of strong boundary treatments between the site and the assets. The proposal would not encroach on the principal setting of either asset and the historical relationship between the site and Ainderby Villa appears to be limited.
- 5.42 It is considered that the proposal would have no harm on the character and setting of the listed building and is compliant with Policies S7 and E5.

Biodiversity

- 5.43 The site is not within the Swale Green Corridor but is set 439m west of it. Given that this application does not consider landscaping or appearance, through which a large amount of the green infrastructure and biodiversity improvement would be secured, it is considered that this is not a matter that can be fully assessed at present, however it is noted that the site could have the ability to accommodate this.

Planning balance

- 5.44 Despite meeting a number of policies (S7, E5, RM3 and IC2) the proposal does not meet the requirements of Policies S1, S3, S5, HG2, HG4, HG5, E1 and E7. Given the potential for harm to the character and appearance of the village and the adjacent countryside from the development, particularly on the view of the site from the north, it has not been possible to overcome these policy conflicts.
- 5.45 Further conflicts with policy occur with regard to the principle of development and the overexpansion of the village within the past decade, where the village has grown in an unsustainable manner given the lack of local services or industry. It has not been demonstrated that there is a requirement for the larger house types within the development or for housing within the site generally.

Recommendation:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposal does not meet the requirements of Policies S1, S3, HG2(f), HG5(a), HG5(b), HG5(c) or the relevant sections of the NPPF in that it does not represent sustainable development, does not demonstrate the requirement for housing on the site or the proposed mix and does not represent an incremental growth of the village commensurate to its size, scale, role or function.
 2. The proposal does not meet the terms of Policy S3(d) in that it would not maintain or support social or economic sustainability within the settlement and the scheme does not provide for affordable housing requirements for supporting development within Small Villages.
 3. The proposal would result in the loss of a landscape of local significance, and which makes a significant contribution to the character and setting of that part of the village. This loss of visually important countryside conflicts with Policies S3, S5, HG5(e), E1(b) and E7.

4. The proposed form of the development would not accord with the established character of the site and wider area and would therefore be considered harmful to the character and setting of Ainderby Quernhow. It is considered that the proposal does not pay sufficient regard to the built form and character of the village contrary to Policies S3, S5, HG5(e), E1(a), E1(b) and E7.