

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:

22/02051/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.

At: Land To The West of the Old Hall, 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 northern perimeter of Ainderby Quernhow. The site consists of agricultural land between The Old Hall and the public highway which forms part of a larger agricultural field which wraps around the dwellings to the east. The site is located on the eastern side of the junction between the B6267 and Sinderby Lane and is within 26m of the Grade II Listed The Old Hall and 54m of the Grade II Listed Ainderby Villa.
- 1.3 The proposed dwellings would consist of 2 three-bedroom properties (one being approximately 106m² in size and the other 130.5m² 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- 2.1 94/50004/P - Use of existing agricultural land for the formation of a driveway for domestic purposes – withdrawn.
- 2.2 16/00373/FUL – [not the same site but within the 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.
- 2.3 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 objections.
- 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 belonging 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 – No objections.
- 4.5 Contaminated Land - The applicant should provide either a Preliminary Assessment of Land Contamination (PALC) or Phase 1 risk Assessment (including desk study, walkover and conceptual site model).
- 4.6 Yorkshire Water - Have noted the presence of water/sewage infrastructure within the site and have provided relevant conditions.
- 4.7 Swale and Ure Internal Drainage Board - Consent would be required from the IDB in order for the site to drain into the watercourse.

5.0 Analysis

- 5.1 The main issues for consideration are i) the principle of the proposed development; ii) the growth of the village; iii) housing mix; iv) design and landscape impact; v) amenity; vi) highway safety; vii) drainage; viii) heritage and 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 approximately 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 set out 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 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 two 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

- 5.10 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 2 dwellings would represent a 7.1% increase in the scale of the settlement. Given its status as a Small Village, this would be a reasonable increase in other circumstances but is not considered to be commensurate with Ainderby Quernhow’s size, scale, role and function (as a settlement without local enterprise or social facility).
- 5.11 Further, 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 30.4% within the last 6 years, a number which rises to 43.5% if the site proposed to the north also 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

- 5.12 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.

- 5.13 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 contribute 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 The range of dwellings provided are NDSS compliant in terms of overall floorspace, though Unit 2 is considered to be too large within the policy context of the site. It is approximately 43.5% larger than NDSS targets for a 5-person 3-bedroom house and this increase in size would invariably raise the price of the property, pushing it further from the affordability required by S3(d).
- 5.18 Whilst Unit 1 is of a reasonable scale at 106m² it does not meet NDSS standards when the bedrooms are measured. The double-bedroom measures at 10.19m² and the single bedroom at 6.67m² where the NDSS at paragraph 10(c) and (d) asks for at least 11.5m² and 7.5m², respectively. As such it cannot be considered that the scheme as supplied accords with Policy HG2(g).
- 5.19 The mix does not then accord with the requirements of S3(d), HG2(f), HG2(g), 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

- 5.20 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.

- 5.21 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. Whilst being set on the edge of the eastern section of the village, the arrangement of the properties as a short terrace is considered to be acceptable and allows for the two distinct ends of the village to blend in together.
- 5.22 However, the distance between the dwellings and the B6267 to the south presents as an anomaly within the built form of the village. This is due to the departure from the loose-linear character of the settlement which follows the main road, 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.
- 5.23 The lack of physical connection to the B-road would be completely alien to the settlement and whilst the distance between the highway and whilst the layout has been created ostensibly to preserve the building line set by the 20th century terraces to the west this is not apparent when viewing the site, which is visually removed from that terrace. Additionally, the relationship between those terraces and the B-road is far clearer than it would be within this development and so the terraces can be considered to maintain the historical character of the settlement in a manner that the proposal does not.
- 5.24 That the access to the houses is not direct from the B-road, in addition to their associated domestic structures (formal access with turning head, garages, gardens, fencing, etc.) being separate and visually distinct from the houses means that the development gives the impression of a further cul-de-sac arrangement within the settlement. This, in combination with the presence of another cul-de-sac within the village would shift the prevailing character from an almost wholly loose-linear one to one which includes in-depth development and so would change the overall character of the settlement, contrary to the requirements of S3 and HG5.
- 5.25 The site is reasonably prominent within the village but would be largely screened by hedging from the south. However, the removal of 19.7m of hedging to the western boundary would increase the visibility of the site when approaching south from Sinderby Lane and it is considered likely that the disconnect between the site and the wider village will be apparent through the presence of domestic elements that would be expected to be found to the principal elevation of a property (driveways, garages, accesses) at the rear.
- 5.26 It is considered that the current arrangement has been designed around the Yorkshire Water pipeline to the south of the site and that the layout represents an attempt at meeting the character of the settlement whilst avoiding that infrastructure. However, the in-depth development would be at odds with the rural context in which

the site and the village are found, contrary to Policy HG5(e) which asks that a development have no detrimental impact on the character and appearance of the village.

5.27 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, with the proposal being at odds with that established character of the settlement and, in conjunction with the cul-de-sac approved in 2016, changing that character, with approximately 34.1% of the housing within the settlement subsequently being found within in-depth developments.

5.28 The proposed development does not pay sufficient regard to the character and context of Ainderby Quernhow and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.

Amenity

5.29 The site is not within proximity of any building which is considered to be a potential source of light or pollution. Additionally, the proposed units would not overlook or overbear and each unit has adequate private amenity space. Yorkshire Water have indicated that the presence of the Pumping Station within 15m of Unit 2 may cause a detrimental impact on amenity due to odour, noise and flies. The pumping station has been in situ for at least the last 20 years, marking it as an older type of apparatus more given to these issues.

5.30 A Land Contamination Report would be required for the site. It is considered that there is a limited likelihood of there being a noise issue along the road that could not be mitigated through the incorporation of appropriate materials and design and so this could be made a pre-commencement condition or conditioned to be submitted prior to the submission of a reserved matters application.

5.31 As a result of the above concern regarding the pumping station it is considered that the proposal does not meet the requirements of Policy E2.

Highway safety

5.32 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.

5.33 NYCC Highways 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 appropriately worded planning conditions and thus the scheme could meet the policy requirements of Policy IC2.

Drainage

5.34 Yorkshire Water have indicated their support for the proposal and have included a number of conditions in their response. Given the site's 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.

- 5.35 Yorkshire Water have supplied required conditions and advice relating to the sewerage pipe and pumping station that are within the site.
- 5.36 If appropriately conditioned then it is considered that the scheme may potentially achieve policy compliance with Policy RM3.

Heritage

- 5.37 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.
- 5.38 Despite the position of the proposal being directly adjacent to the Grade II Listed The Old Hall, there is a reasonable degree of visual distinction between the two sites. This is aided by the presence of strong boundary treatments between the site and the heritage asset and the use of an entrance separate from that used by The Old Hall. Further, the scale and layout of the proposed dwellings would not challenge the pre-eminence of the existing house within the immediate setting and would not encroach on the principal setting of the asset and would not reduce the historical relationship between The Old Hall and the wider countryside to a level which would be harmful.
- 5.39 It is considered that the proposal would result in no harm to the character and setting of the listed building and is compliant with Policies S7 and E5.

Biodiversity

- 5.40 The site is not within the Swale Green Corridor but is set approx. 470m to the 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

- 5.41 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, E2 and E7. Given the potential for harm to the character and appearance of the village, particularly with regard to the scheme's departure from the established form of the village, it has not been possible to overcome these policy conflicts.
- 5.42 Further conflicts with policy occur regarding 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 presence of a pumping station present within close proximity of the site is likely to have a detrimental impact on the amenity of future inhabitants of the dwellings. As such the proposal is contrary to Policies E1(c), E2(c) and E2(d).
 4. The proposed form of the development would not accord with the established character of the village 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.
 5. It is considered that Unit 1 does not conform to the minimum room sizes set out within the NDSS and so does not accord with Policy HG2(e).