

**Proposed New Country House at Musley Bank, Malton for Mr I. Brisby:  
Design and Access / Planning Statement (including Heritage  
considerations).**

**1: Background**

- 1.1 The applicant, Mr Ian Brisby, and his immediate family, have lived at Musley Bank House for 32 years during which time they have demonstrated a long-term commitment to maintaining and enhancing the existing property and its extensively landscaped grounds.
- 1.2 Evidence of such commitment can be seen from the pictures below, showing the nature and extent of the landscaped parkland setting in which the property sits and the quality of the buildings on the site.



**REVISED DOCUMENT**

- 1.3 Since purchasing the property, in 1983, the applicant has painstakingly restored it to its original Victorian appearance, utilizing authentic materials wherever possible. In 1992 a new conservatory was added to the main dwelling and an adjoining farm building renovated, and in 2000 a lake was constructed in conjunction with an extensive programme of tree and shrub planting.
- 1.4 Mr and Mrs Brisby have both spent their lives working locally in the agricultural and food industries, during which time they have made significant contributions to the social, economic, and environmental quality of the area.
- 1.5 They are now seeking to erect an eco-friendly dwelling for their retirement in a location where they have created a unique and highly regarded landscaped setting, which they have come to love, and where they feel “at home”.

**2: Context**

- 2.1 The application site is located within the existing landscaped parkland grounds of Musley Bank House on the western fringes of Malton, and approximately 2km from the town centre.
- 2.2 Musley Bank House was built for a gentleman farmer to replace a more modest farmhouse on the same site in the late 19<sup>th</sup> century to serve the agricultural activities carried out on the land. Agricultural activities continued until a horse breeding and training business was commenced in the 1980s.
- 2.3 The extensive landscaped parkland grounds surrounding Musley Bank House have been created by the applicant on gently sloping south-facing land to the south and east of the property and comprise large areas of grass, a lake and associated planting, an extensive woodland belt along the eastern boundary, an access road with avenue planting, and occasional parkland trees, all of which are maintained to an exceptionally high standard.
- 2.4 To the west of Musley Bank House there is a very large horse training establishment operated by R.F. Racing Ltd, which has been significantly extended in recent years, and which includes a total of 4 separate dwellings occupied by owners / employees of the business operating from the site together with extensive areas of gallops used for training some 200 horses on the site.
- 2.5 Between Musley Bank House and the R.F. Racing Ltd premises there is a privately owned dwelling known as “Grooms Cottage” which was extended in 2005 and further upgraded in 2009 to a very high standard, including extensive tree planting and new lawns.

- 2.6 The scale and extent of the adjoining business and residential uses can be seen from the aerial photograph below.



- 2.7 Immediately to the north and north-east of the application site there is a further privately owned dwelling known as “Lindrick Bungalow” with associated garaging and stables which was significantly enlarged and extended in 2000 by the current owners. This property is situated on slightly higher land but is well screened from the proposed development by existing trees and shrubs.
- 2.8 In recent years the occupation of Lindrick Bungalow, which was previously limited to agricultural workers only, was extended to allow occupation by any persons.
- 2.9 Land to the east and south of the application site is in agricultural use being used for arable and / or grazing purposes.
- 2.10 The southern boundary of the application site adjoins a privately owned access road leading to Musley Bank House and the horse training establishment. This road is designated as a public footpath, leading from the former entrance gates to Musley Bank House, at its eastern end, through to the horse training establishment, and thence northwards to Braygate Street.
- 2.11 In addition to the various dwellings mentioned above, there are also three small “lodge” cottages situated at the former entrance gates to Musley Bank House to the south-east of the proposed site. These properties are occupied by former employees of the adjoining horse training business.

- 2.12 In total there are 10 existing residential properties in the immediate vicinity of the application site constituting a small but well established cluster of properties with an identifiable character, akin to some of the smaller settlements found elsewhere in Ryedale.
- 2.13 In a wider context, the site lies within the Howardian Hills Area of Outstanding Natural Beauty (AONB) in a landscape character zone described as the “north ridge” comprising a rich patchwork of crops, pastures, woods, trees, and hedgerows interspersed with areas of formal parkland and scattered settlements and traditional buildings with a special aesthetic appeal.
- 2.14 The Ryedale Local Plan Strategy Document (at paragraph 7.12) describes this part of the AONB as being characterized by “well-wooded rolling countryside” providing the setting for “exceptional” examples of country houses and estate villages.
- 2.15 The Howardian Hills AONB was designated in October 1987 with the stated purpose of seeking to conserve and enhance the natural beauty of the area (including flora, fauna and natural features) taking into account the economic and social needs of its residents.
- 2.16 Within the AONB, decision-makers have a duty to “have regard to the purpose of conserving and enhancing the natural beauty of the AONB” in the determination of planning applications.
- 2.17 Although on the periphery of the AONB and within close distance of the busy A64, the site exhibits characteristics typical of the Howardian Hills - a country house set in mature parkland in a partially hidden gentle valley with extensive broken views to the south of fields and pastures, rolling hills and woodland. Planting is a mix of broadleaved species predominately beech and sycamore and more formal ornamentals and evergreens. The low boundary hedgerow is fragmented, allowing views into the site from the adjacent public footpath.

### **3: The Proposals**

- 3.1 The proposed development comprises the erection of a 4-bedroomed dwelling on two storeys together with a single story pitched roof garage block.
- 3.2 The proposed dwelling and garage block are to be constructed on a newly created flat platform set into the existing slope of the land on a site immediately to the east of Musley Bank House, from which it will be separated by a change in land levels and new parkland style railings.
- 3.3 The extent of “cut and fill” necessary to allow the development to proceed has been determined by the nearby presence of trees which must be retained and by the topography of the site. Re-grading has been kept to a



minimum to avoid root protection zones, minimise disturbance within the parkland and maintain the gentle sweeping landform as far as possible. Any excess soil not required for re-modeling of the site will be disposed of responsibly and with all necessary consents.

- 3.4 A new access drive serving the proposed new dwelling is to be constructed through the existing parkland to the south linking to the roadway alongside the southern site boundary.
- 3.5 The proposed dwelling is to be constructed a very high standard of energy and water efficiency, comparable to Level 5 of the (former) Code for Sustainable Homes and with “Lifetime Living” principles in mind. This will include a grey water recycling system, a ground source heat pump, an advanced ventilation and heat recovery system, and solar energy tiles built into the less prominent roof pitches of the house.
- 3.6 The grounds of the new dwelling will be retained and managed as existing, with additional parkland planting where necessary, e.g. alongside the new access drive and as infill along the south eastern boundary, which will further contain the site. Hedging is proposed to help link the two properties whilst also demarcating a new boundary line and providing privacy between the new property and Musley Bank House.
- 3.8 The semi enclosed area, in the south east corner of the site, is to become and be maintained as a wildflower meadow, both to improve bio-diversity and as a natural progression from the current emerging tall grassland on the periphery of the woodland.
- 3.9 The proposed dwelling is to be connected to a new foul sewage system comprising a “package” treatment plant situated alongside the new access drive, from where clean water run-off will be directed via land drains to groundwater and / or an existing pond adjoining the application site (which is within the applicant’s ownership).
- 3.10 Rainwater is to be “harvested” from the roof of the proposed dwelling and re-used in a grey-water system as well as being collected in rain water butts for garden use. Any excess rainwater will be fed into a separate surface / soakaway system feeding into groundwater and / or the existing pond.

**4: Planning Policy**

- 4.1 The “development plan” comprises the Ryedale Local Plan Strategy Document (2012 - modified 2013) together with saved policies and the Proposals Map from the Ryedale Local Plan (2002).
- 4.2 The application site lies in an area of “open countryside” and within the Howardian Hills AONB where saved policy ENV 2 applies (see Appendix 1). In addition, policies SP13 (Landscapes), SP14 [Biodiversity], SP15

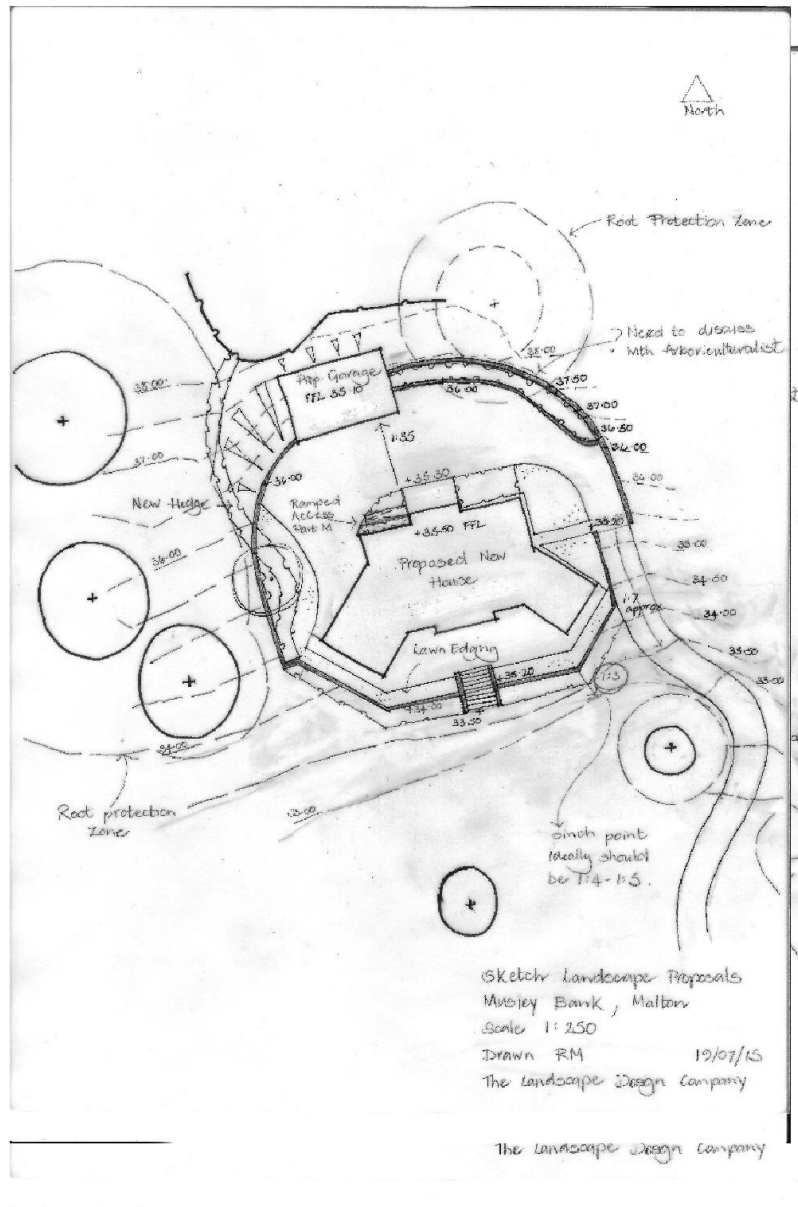
[Green Infrastructure Networks], and SP16 [Design] of the 2012 Strategy Document (as modified in 2013) are also considered to be relevant.

- 4.3 Paragraph 55 of the National Planning Policy Framework (NPPF) is also considered to be relevant in this case since the proposed dwelling is located in an area of open countryside and special circumstances apply (see below).
- 4.4 In addition, the sections on Design and Heritage issues within the NPPF are also considered to be relevant in the present case.
- 4.5 The Ryedale Local Plan Strategy Document (SD) also includes important information, guidance, and advice on climate change, renewable energy, the provision of retirement accommodation, local character, country houses, and local needs housing, any of which could be relevant to the current application.
- 4.6 The SD is particularly detailed in respect of the need for retirement accommodation brought about about by rapidly changing population demographics that has seen a rise in the number of retired people in the Ryedale area, e.g. at paragraphs 2.3, 2.8, 4.6 and 4.37 – 4.42.

**5: Design Considerations**

- 5.1 The scale, siting, design, and external appearance of the proposed dwelling and its setting within the existing parkland landscape at Musley Bank House have been the subject of extensive and intensive discussions between the applicant and his professional advisers – including a professionally qualified Arboriculturalist, Architect, Planner, Landscape Architect, and an experienced local builder – all of whom have contributed to the final scheme.

- 5.3 The siting and design of the proposed dwelling are derived from first principles: The landscape setting, topography, and location of existing trees first determining the land available for development, which in turn determines the setting and siting, which then informs the detailed design of the proposed dwelling (see example of a pre-submission sketch below).



- 5.3 The detailed design and external appearance of the proposed dwelling pays due respect both to the landscape setting and to heritage considerations, bearing in mind that the site is neither within a Conservation Area or the setting of either a listed building or a Scheduled Ancient Monument (and there is no known archaeological interest on the site).
- 5.4 The current proposals emerged within this context as the Architects and applicant devised a scheme that matched client requirements and satisfied the technical, environmental, and policy requirements of the various professions involved, resulting in a scheme of “exceptional quality” capable of being determined in accordance with paragraph 55 of the NPPF.
- 5.5 The concept of the design for the sustainable home is to both complement and be subservient to the principal Victorian dwelling, Musley Bank, subsidiary buildings, whether for servants or transport, being a common historic feature within the grounds of larger properties.
- 5.6 The use of matching external materials of natural coursed walling stone, blue slate roofs and appropriate finishes, details enhances and conjoin the introduction of contemporary oak framed screens and windows. Resulting in a comfortable and innovative combination of old and new building styles and materials.
- 5.7 Likewise, the proposed Coach House/garaging provides complementary and subservient detailing to that of the proposed new dwelling and acts as a visual link between the existing and proposed properties.
- 5.8 The landscape proposals aim to maintain the integrity of the site, by reflecting what is there and disturbing as little as possible. However, they also seek to improve by addressing some of the site imbalances (both visual and in terms of plant species/ variety) through the following design features: -
- Repetition of the raised stone terrace with border planting, extending the visual link across the site and connecting the new with the old;
  - Maintaining gentle contours across the site;
  - The provision of estate type metal railings, of the style already on site, to provide discreet boundary demarcation, with narrow posts creating a lesser impact within the tree root protection zones;
  - Additional native broadleaved planting to reinforce the boundaries and supplement the few oak trees on site;



- Adoption of modern installation techniques to allow the use of traditional style materials e.g. resin bound gravel and permeable concrete sett paving, and;
- Stepping and planting-up retaining walls where they are necessary, to minimise their impact.

**6: Access Considerations**

- 6.1 Vehicular and pedestrian access to the proposed dwelling is to be gained directly from the privately owned access road alongside the southern boundary of the site by means of a new entrance to be created by means of a breach in the existing parkland railings. Within the initial entrance area, the road will be detailed as a no-dig construction, allowing the retention of avenue trees 16 & 17.
- 6.2 From here a new resin bound gravel surfaced access drive is to be constructed at a maximum gradient of 1 in 12, following a gently meandering route through the existing parkland and specifically designed to avoid the root protection areas of existing trees, as well as to avoid visual intrusion through excessive ground works.
- 6.3 The proposed driveway will be single vehicle width for most of its length with a single passing place, but will be of sufficient width to allow emergency vehicles and service / delivery lorries to access the site.
- 6.4 Passing close by the eastern side of the proposed dwelling, the access road leads to a well-screened rear parking / turning area sufficiently large to allow larger vehicles (including delivery lorries / vans and emergency vehicles) to turn on site.
- 6.5 Adjoining the parking / turning area the submitted plans indicate a new garage block set into the surrounding land. The siting and construction of this building has been carefully assessed by the applicant's Arboricultural consultant, who concludes that it poses no significant risk to the future survival of the nearby trees (Numbered T1, 2 and 4 on the arboricultural and landscape plans).

**7: Analysis**

- 7.1 From the above description it can be seen that the siting, design and external appearance of the proposed dwelling have evolved to suit the context within which it is to be located – in conjunction with the applicants' personal requirements and preferences.
- 7.2 The resulting proposal represents a good example of how collaborative design between environmental planning and design professionals can result in high quality and sustainable forms of development capable of being built in the most sensitive areas of the country, such as The Howardian Hills AONB.

- 7.3 In this case, the proposed dwelling reinforces and consolidates the existing parkland landscape surrounding Musley Bank House with a sensitive and balanced approach of exceptional design quality in accordance with paragraph 55 of the NPPF.
- 7.4 SD Policy SP13 “Landscapes” is considered to be of particular importance in the present case, given the location of the site within the Howardian Hills AONB and the quality of the parkland setting within which the proposal sits. This policy adopts a character-based approach to inform the decision-making process (paragraph 7.11), setting out a series of criteria against which development proposals should be assessed.
- 7.5 The policy seeks to encourage appropriate – and sustainable - new development in the AONB provided that it is located sensitively and will reinforce distinctive elements of landscape character, including the distribution and form of settlements and buildings in their landscape setting, and the character of individual settlements including building styles and materials.
- 7.6 Policy SP13 states that, “Proposals will be supported where they do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings” and in this case it is considered that the proposed development satisfies this requirement for the following reasons: -
- it is of an exceptionally high standard of design that reflects the historic nature of surrounding buildings, notably Musley Bank House;
  - it is sited sensitively within a man-made parkland setting on a gently sloping hillside within an established cluster of residential and commercial properties and land uses;
  - it reflects the “country house” tradition that is characteristic of this part of the AONB, as mentioned in paragraph 7.12 of the Strategy Document;
  - it incorporates many sustainable features including a ground source heat pump, solar renewables, an advanced ventilation and heat recovery system, and water re-cycling facilities;
  - other than from the footpath / bridle-way running along the southern boundary of the site, it will not be prominent in long range views from surrounding roads or privately owned properties. In particular it will not be easily visible from the A64;
  - it will balance up development on the site, providing a modern-day visual counter-point to Musley Bank House complementing it with a sense of arrival for future occupiers and visitors whilst at the same time helping to shift visual attention away from the large-scale commercial activities at the adjoining horse-training establishment;

- It will help secure the future of the existing parkland planting around Musley Bank House and will provide additional biodiversity features in the form of tree planting, fulfilling stated objectives of the Landscape Management Plan 2014-2019 for the North Ridge i.e. to:
    - “encourage greater use of native broadleaves, especially towards prominent skylines and in association with parklands, and promote the retention, restoration and sympathetic management of hedges, particularly those in the most visible locations”
  - Finally, it will provide an element of visual enjoyment for local residents, ramblers, and other visitors to the area.
- 7.7 Saved Local Plan policy ENV2 is also of importance, as it relates specifically to proposed developments within the Howardian Hills AONB, requiring that the natural beauty of the area be afforded the “greatest possible protection”.
- 7.8 The policy states (inter-alia) that:
- (i) Any development which would adversely affect the natural beauty of the landscape will not be permitted; (and that)
  - (ii) Small-scale development which would contribute to the economic and social well-being of the Howardian Hills AONB will be permitted provided that it is consistent with the protection of the natural beauty of the landscape and is compatible with AONB objectives; (and that)
  - (v) Where development is permitted, it must be of the highest standard of design reflecting the traditional character of buildings in the area, using materials traditional to the area and be sited so as to integrate satisfactorily with the surrounding landscape;
- 7.9 In the present case it is considered that the proposed development: is of a small-scale; is of an exceptionally high standard of design, responding to local context; will make a positive contribution to the economic and social well-being of the area; and that it will have no adverse effects on the natural beauty of the landscape.
- 7.10 Certainly, in comparison with the adjoining horse-training establishment, the proposed dwelling will have little or no effect on either visual amenity or landscape character. Indeed, it will help to focus attention away from the large-scale commercial activities taking place at the adjoining site to the overall benefit of the AONB, carrying on the “country house” tradition referred to in paragraph 7.12 of the Local Plan Strategy Document.

- 7.11 The location of the site, within an established cluster of residential and commercial uses on the edge of Malton makes the location acceptable in terms of the overall strategy for housing development in the Local Plan Strategy, given the nature of the proposal and the social, economic and environmental benefits it will bring to the area.
- 7.12 SD policy SP14 encourages development that contributes to the achievement of sustainable development in respect of **Biodiversity** considerations. The policy seeks to ensure that new development achieves a net gain in biodiversity value and encourages the use of native and locally characteristic species in landscaping schemes.
- 7.13 In the present case there will be no loss of trees from the existing parkland and the proposals are accompanied by a detailed planting scheme to supplement existing provisions, to the overall benefit of biodiversity value.
- 7.14 For similar reasons the proposed development will also help to ensure that the aims of SD Policy SP15 (“Green Infrastructure Networks”) are also achieved, with specific reference to The Howardian Hills.
- 7.15 SD Policy SP16, “Design” is also considered to be of importance to the present application and should be read in conjunction with the corresponding section in the NPPF (paragraphs 56 -68).
- 7.16 The policy states that,
- “To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:
- “Topography and landform that shape the form and structure of settlements in the landscape”
- and these considerations were of primary importance during the design phase of the current proposals, as a result of which the proposed scheme satisfies all aspects of both the Local Plan and the NPPF (including paragraph 55) in so far as Design issues are concerned.

**8: Summary and Conclusions**

- 8.1 The applicant maintains that the proposed dwelling is of “exceptional” design quality and that the application can be determined in the light of the NPPF, paragraph 55.
- 8.2 In addition, the proposed development satisfies the criteria set out in SD policy SP13, with regard to new development in the Howardian Hills AONB, as well as being in accordance with other relevant policies in the current development plan, in particular saved LP Policy ENV2 and SD policies SP14 -16 inclusive.



- 8.3 It is in a sustainable location, close to the main urban growth area in Ryedale and all the facilities it offers, and within an established cluster of existing dwellings and commercial users where a new “country house” within a parkland setting would be entirely appropriate in terms of landscape character and visual amenity considerations.
- 8.4 Furthermore, the proposed dwelling will satisfy a local need and contribute to the retirement needs of the District, as highlighted in the Council’s own policy documents.
- 8.3 In this context, and taking into account the duty to “have regard to the purpose of conserving and enhancing the natural beauty of the AONB” it is considered that the application could and should be approved subject to the imposition of appropriately worded planning conditions.

**This statement was jointly written by David Hickling, (Hickling-Gray Associates), Malcolm Stather (Francis Johnson and Partners), and Rosemary Mitchell (The Landscape Design Company) in conjunction with the applicant, Mr I. Brisby: August-October 2015.**