

Development Management
Ryedale District Council
Ryedale House
Malton
North Yorks
YO17 7HH

Contact: Paul Jackson

My Reference:

Date: 4 January 2017

Dear Sirs

17/01417/FUL: Erection of detached 5 bedroom dwelling, Musley Bank, Malton

I have the following comments to make in relation to this proposal:

1. The application proposes the construction of an additional house within the grounds of the existing Musley Bank House, which is itself within a small hamlet of residential and commercial properties. A similar application for this site (15/01027/FUL) was submitted in 2015 and Refused. The analysis provided below indicates that the Reasons for Refusal given in December 2015 are still valid.
2. The existing Musley Bank House sits within parkland-style landscaped surroundings, such that it can be considered to comprise one of the significant number of both large and much smaller 'country houses with associated designed parkland' found in the AONB. This remarkable concentration of country houses and designed parkland is one of the specific Special Qualities which led to the Howardian Hills being designated as an AONB. It is accepted that the parkland hasn't been formally designed and isn't of any historic value, but this mirrors the character of the AONB whereby even small country houses (e.g. Dalby Hall, Brandsby Lodge) are set within very modest grounds incorporating features found in much larger parklands.
3. Musley Bank House has been accepted within the supporting documentation as a 'non-designated heritage asset' and therefore the impact of the proposed development on the existing house and its 'modern' parkland needs to be carefully considered.
4. I believe that the principal and significant adverse impacts on the AONB landscape would be:
 - a) The three large expanses of glass are not vernacular features typical of the locality or the wider Howardian Hills area and they would be significant visual features in their own right. Experience of similar designs shows that significant glare can be created from such expanses of glass, particularly when they are south-facing, which draws attention to buildings that might otherwise be less easy to see.

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- b) I believe that the size of the proposed dwelling, non-vernacular design features and location within the parkland curtilage of the existing Musley Bank House would be so significant and visually dominant as to effectively 'take over' the parkland that currently complements the original House. This would adversely affect the setting of Musley Bank House and the visual effect experienced by users of the Public Bridleway to the south would be that the parkland and hence the setting of the House had been compromised. This would be to the detriment of the local landscape character and one of the Special Qualities for which the AONB was designated.
5. Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, one of which is defined as: *"The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area."*

The inclusion of the word "and" at the end of the third bullet point indicates that any proposal should meet all of these requirements.

6. For the reasons detailed in Paragraph 4 above I believe that this proposal fails the test of the last two criteria. It would have a significant adverse visual impact on its immediate setting (the non-designated heritage asset of Musley Bank House and its parkland), and its design isn't sensitive to the defining characteristics of the local area. Bullet point three of NPPF Paragraph 55 is very clear – designs must not simply have a neutral effect on their immediate setting but must enhance them significantly. I believe that this proposal conspicuously fails that test.
7. Paragraph 14 of the NPPF indicates that there should be a *"presumption in favour of sustainable development ... unless ... specific policies in this Framework indicate that development should be restricted."* Footnote 9 to Para. 14 specifies that the NPPF policies relating to AONBs fall into this category.
8. Paragraph 115 of the NPPF states that *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas."* This Paragraph carries considerable weight in the planning balance and is the policy articulation of the Statutory Duty imposed on all Public Bodies by Section 85 of the Countryside & Rights of Way Act (2000) to have regard to the purposes of AONB designation.
9. The Ryedale Local Plan Strategy was prepared and Adopted after the publication of the NPPF and has been subject to scrutiny at Public Inquiry. Its policies therefore provide the local context and interpretation for the NPPF, as required by Paragraph 12 of NPPF – *"This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. ..."*

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10. No reference has been made in the supporting documentation to Policy SP2 of the Ryedale Local Plan Strategy, which states that *"The sources of new housing that will contribute to the supply of new homes across the District are as follows:*

Wider Countryside locations:

- *New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.*
- *Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy.*
- *Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy.*
- *Replacement dwellings."*

The proposal doesn't appear to comply with any of the exceptions contained in Policy SP2.

11. Evidence has been put forward in the supporting documentation relating to a purportedly similar development at Ruswarp. This is not in fact similar at all – that proposal was not within an AONB or National Park (and hence the restrictive nature of NPPF Paragraphs 14 (+ Footnote 9) and 115 did not apply), and neither did the Local Planning Authority have an Adopted and up-to-date (NPPF-compliant) Local Plan that specified a detailed settlement hierarchy.

In conclusion, I would **OBJECT** to the proposal on the following grounds:

1. The development would have a demonstrable adverse visual impact on the Special Qualities of the AONB by reason of its size, scale, design and location.
2. The development isn't in my view compliant with Paragraph 55 of the NPPF, which in these particular circumstances is also over-ridden by Paragraphs 14, 115 and 12 of the NPPF.
3. The development doesn't meet any of the exception criteria contained in the relevant section of Policy SP2 of the Adopted Ryedale Local Plan Strategy.

Yours sincerely

P B JACKSON
AONB MANAGER