

Item Number: 6
Application No: 20/00934/MOUT
Parish: Heslerton Parish Council
Appn. Type: Outline Application Major
Applicant: Mr Adrian Sykes (Skye Property Group Limited)
Proposal: Residential development of 5no. self-build dwellings and formation of vehicular access following demolition of existing outbuildings (site area 1.19ha) - approval sought for access and layout
Location: Land To South Of Ashdale Farm Carr Lane East Heslerton Malton North Yorkshire
Registration Date: 13 October 2020
8/13 Wk Expiry Date: 12 January 2021
Overall Expiry Date: 9 March 2021
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Initial consultation

Heslerton Parish Council	Without widening along Carr Lane the Parish Council would object
Yorkshire Water Land Use Planning	The Environment Agency and EHO to comment on private treatment facility
Lead Local Flood Authority	No comment
Highways England	Further information required – intensification of use of junction of Carr Lane and A64
Highways North Yorkshire	Cannot support application as submitted
Archaeology Section	Further information required - archaeological desk based assessment (DBA) and possible trial trenching
NYCC Natural Services	Further information and clarification required
Environmental Health	No response received
Sustainable Places Team (Environment-Agency)	No response received

Further consultations

Highways England	No objection & recommend condition
Highways North Yorkshire	
Housing	
Archaeology Section	Insufficient information and recommend trial trenching prior to determination
NYCC Natural Services	Recommend condition & informative

Representations (5): Mrs Jemma May, Mr John R Crossland, Mrs Johanna Morley, Miss Sara Farrow, Patricia Stead (all objections)

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the application site area exceeds 1 hectare. In addition representations received in response to the consultation exercise have raised objections based on material planning considerations.

SITE:

The application site amounts to 1.19 hectares and is an 'L-shaped' grassed paddock to the south of Ashdale Farm (blue line land under ownership/control of applicant). There are residential properties which front the public highway to the east which comprise numbers 1-8 Carr Lane (continuous) which are four pairs of semi-detached dwellings and the detached 'Carrholme' at the northern end. There is open agricultural land to the east. The site is within an archaeologically sensitive area.

HISTORY:

The following application/decision is relevant to part of the application site:

3/60/11G/FA- Erection of five detached bungalows and garages. REFUSED 11.02.1994. The application site was land between Carrholme and the bungalow at Ashdale Farm. It encompassed the part of the current application site which is shown on the plans as Plot 5.

PROPOSAL:

Outline planning permission is sought for residential development of 5no. self-build dwellings and formation of vehicular access following demolition of existing outbuildings (site area 1.19ha) - approval sought for access and layout. All other matters (scale, appearance and landscaping) are reserved for future reserved matters application(s).

The application site is L-shaped. Plots 1-4 would be arranged north-south in the main part of the application site. Plot 5 would be to the front (west) of plot 4 to the north of the property known as 'Carrholme'. The plot sizes range from 1,871m² to 2,996m².

The proposed access would be off Carr Lane and at the southern end of the site would pass between number 1 Carr Lane and the property known as 'Heathfield'. The internal access road would be constructed from porous pavement and would loop round to the rear of the existing frontage dwellings and follow the western boundary of the application site and join the public highway north of plot number 5. The applicant states that the internal access road would be a one way system.

The applicant's plans to install serviced infrastructure to the plots and sell the plots to those registered on the Council's self-build register. The supporting statement for the application describes the proposal as a self-build development of "exceptional quality". The supporting information also commits to a development of high sustainability credentials, including the use of grey water, solar pv and electric vehicle charging.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP3 Affordable Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)
Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

The NPPF defines 'Previously developed land' as '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*'.

REPRESENTATIONS:

The LPA has received a total of 5 representations from local residents all of whom object to the application. The concerns raised are as follows:-

- Site outside village development limit.
- Access road to rear of existing dwellings on Carr Lane
- Vehicle access from A64 along Carr Lane not suitable for increase in traffic
- Highway safety
- Not appropriate for small quiet village lane
- Noise and disturbance from cars passing along access between existing dwellings
- Soakaway not suitable
- Loss of outlook
- Noise disturbance
- Loss of privacy
- Requirement for screening
- Spoil countryside and appearance of village

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development;
- Impact on visual amenity, landscape character and form of the settlement;
- Impact on residential amenity;
- Highway impacts;
- Drainage;
- Archaeological impact; and
- Ecological impact.

Principle of development

The adopted Ryedale Plan-Local Plan Strategy 2013 sets out the strategy for the distribution of housing development during the plan period. Policy SP1 (General Location of Development and Settlement Hierarchy) sets out a hierarchy of settlements and seeks to focus new housing within the Principal

Towns, Market Towns and Service Villages. The application site is outside of development limits of East Heslerton (Other Village) and within the open countryside.

Policy SP1 of the Local Plan Strategy makes it clear that in open countryside locations, development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities; which can be justified to secure significant improvements to the environment or conservation of significant heritage assets or, to that which is justified through the neighbourhood planning process.

Policy SP2 of the Local Plan Strategy, in relation to new housing development, provides policy support in principle for dwellings in the open countryside in specific circumstances. In summary these include, new build dwellings necessary to support the land based economy; the conversion of redundant or disused traditional rural buildings; replacement dwellings or the change of use of specific types of tourist accommodation. The proposal is not a form of development referred to in the relevant part of Policy SP2.

The LPA does not agree with the applicant's contention that the application site is brownfield/previously developed land and that it is *"not located in open countryside"*. The existing farmhouse, garages and sheds (Ashdale Farm) are outside of the red line application site. The application site comprises three paddocks in agricultural grazing/equestrian use and is not residential curtilage associated with Ashdale Farm house. The site contains a timber stable block, timber field shelter/store and storage container.

Secondly, the LPA does not agree with the applicant's argument that East Heslerton is a *"growth area, with strong housing demand"*. East Heslerton has very limited local facilities and in our settlement hierarchy is classified as one of the 'Other villages' where the role is *'Consolidation of new development within current development limits, with the expansion of settlements for housing, justified only in exceptional circumstances'*.

It is also noted that the application supporting documents include an appeal decision and the associated Statement of Case in relation to a site in Newcastle under Lyme. It relates to a development for bungalows for over 55s (not self-build) and, in that case, did involve previously developed land (private curtilage/garden of farm house not in built up area) and also affordable housing contribution and a LPA where policies were deemed out of date and no five year land supply. The settlement was also better served by local facilities in closer proximity. There appears to be very few parallels of any relevance to support this application.

The adopted Development Plan (Local Plan Strategy 2013) does not provide specific policy support for self-build development plots in the open countryside. However, the LPA is generally open to self-build proposals in order to increase housing choice. It is mindful of national policy and legislation (the Self Build Act) aimed at increasing the provision of self-build housing but it is important that this is achieved in a way which represents sustainable development, in the right place as identified by the adopted development plan

It should be noted that there is no requirement for a Local Planning Authority to source or make available serviced self- build plots for individuals or groups registered on the self- build register. The register is designed to provide an indication of the level of demand for self- build plots across the District. The Local Planning Authority is required to ensure sufficient planning permissions are granted for self-build plots to match demand on the register within specific periods. To date, housing arising from unanticipated small sites ('windfall plots') has been sufficient to meet demand from the relevant base periods and within the time specified in the legislation. This is evidenced by a number of applications that have sought self-build exemptions from the Community Infrastructure Levy. In addition, the application notes that it is the applicant's intention to sell the plots to those on the self-build register. There is no evidence to suggest that those on the register would want to purchase these plots and indeed, there is no requirement for them to do so.

The supporting information indicates that the applicant is willing to provide a proportion of the plots as affordable self-build plots. It should also be noted that self-build dwellings are not necessarily affordable dwellings and it is unclear if these will be at all deliverable to those in affordable housing

need in Ryedale.

On the basis of the demand and supply of self-build plots in Ryedale, it is considered that there is no over-riding need to release land in what is considered to be an unsustainable location in order to meet self-build obligations. In this respect, the type of housing land supply promoted in the application is not considered to weigh heavily in favour of the application.

Design, impact on visual amenity, landscape character and form of the settlement

The LPA does not agree with the applicant's statement that the site is a "*natural infill site*". The proposed dwellings would form a second row of dwellings which would depart from linear form of the village and in that sense is more akin to 'backland' development which would extend the built envelope of the village into the open countryside. The low density nature of the development, together with the proposed layout is considered to undermine the built form and character of the existing settlement and its surrounding landscape setting and character, by virtue of encroachment into the open countryside.

The application details state that the architectural styling, massing and scaling of the existing dwellings adjoining the site "*vary greatly*". However, it is the Officer view that the form of residential development adjacent to the site is more regimented. The existing dwellings along the Carr Lane frontage comprise four rectangular blocks of semi-detached dwellings and adjacent to a string of detached/semi bungalows along the frontage of similar scale, materials and form.

In this respect the proposal is considered to be contrary to Policies SP13 (Landscapes), SP16 (Design) and SP20 (Generic Development Management Issues) of the Local Plan Strategy.

Impact on residential amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

There are concerns in relation to adverse effects on the living conditions of existing occupants of the dwellings to the front of the site in terms of potential loss of privacy/overlooking and disturbance from the use of the access road between two existing dwellings and the position of the loop road round and immediate to the rear gardens of 8 existing dwellings.

By its very nature, and definition, self-build housing is designed to be bespoke and personal in its design. This further highlights the constraints associated with the site and its surrounding context and the difficulties of providing this form of accommodation in this location, close to existing dwellings. Members are reminded that the application is in outline form and there are no parameters or measures proposed in the application material which would indicate that these concerns can be satisfactorily addressed. On this basis it is considered the proposed development would have an unacceptable impact on the residential amenity of the occupiers of nearby properties in terms of overlooking and loss of privacy and activity and disturbance associated with the access road, in conflict with Policy SP20 (Generic Development Management Issues) of the Local Plan Strategy.

Highway impacts

Policy SP20 advises that "*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*".

The proposed development site is to be served by access onto Carr Lane which links to the A64 to the south.

Highways England initially requested that the application is not determined until the applicant '*further considers the implications of the intensification of use of the Carr Lane junction with the A64 as a result*

of the additional vehicle movements generated from the proposed 5 No 4-bed detached houses and the accessibility to site of the HGV's deliveries as a result of the construction. This additional work is required to ensure the safe and continued operation of the SRN (A64)'

Highways England revised their response in February 2021 following a review of Personal Injury Collisions which only found three incidents of relevance in recent years. Highway England confirmed that the application is not likely to have a significant effect on the safety or smooth running of the A64 and therefore have no objections subject to a condition to control the construction phase (Construction Method Statement).

The Local Highway Authority confirmed that they could not support the application as submitted. The LHA has stated that in order to make the application acceptable the proposals would need to be amended as follows:

- A minimum carriageway width of 4.8m to be continued along Carr Lane to the proposed site access.
- A turning circle to be incorporated for service vehicles at the site access or within the site.
- Consideration with regard to pedestrian access and the feasibility of extending the existing footway to the site frontage, in line with sustainable travel modes and to encourage sustainable modes of transport. It is noted that there is a regular bus service taken from a short walk to the bus stop a short walking distance from the site, at the A64.
- The secondary access is currently only suitable to serve one dwelling without making improvements, save for on-site turning, if it is expected to serve more than this, some improvements to construction will be necessary.

No amended plans have been submitted to date. In response the applicant has submitted a draft S106 agreement which indicates their willingness to make contributions toward road works although no detail is provided.

The LHA has been re-consulted and Members will be updated when a response is received.

Drainage

The application initially proposed foul drainage via package treatment plant and surface water to SUDs. Yorkshire Water highlighted that the Environment Agency and EHO can advise on private treatment facility. The applicant has since confirmed the intention to connect to the mains sewer.

Archaeological impact

The site is within an area of archaeological interest. At the national level planning policy contained within paragraph 189 of the NPPF, relating the understanding of the significance of heritage assets, states that *'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*. At the local level Policy SP12 states that *'development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset'*.

The County Archaeologist notes that the geophysical survey indicates at least two phases of archaeological activity. A linear, double ditched trackway crosses the site which is likely to be of prehistoric date. There are then a number of rectilinear enclosures leading from this trackway that might be later prehistoric or Roman period in date.

The County Archaeologist notes that there is no information within the application regarding the types of foundations required so the impact of the proposal on the archaeological horizons cannot be properly

assessed.

The County Archaeologist recommends evaluation is undertaken prior to the determination of the application. This should comprise an archaeological desk based assessment (DBA) to consider the impact. The County Archaeologist also confirmed that a further programme of archaeological trial trenching may be required, depending upon the results of the assessment. The trial trenching would be required where physical preservation of remains beneath foundations cannot be demonstrated. This will allow an assessment to be made of the significance of the remains and allow a reasonable planning recommendation to be made by the County Archaeologist as to whether loss is acceptable.

In response the applicant submitted a Heritage Impact Assessment confirms an expected impact on archaeological remains within the footprints of houses in plots 2-4, the access road and individual driveways. The HIA recommends that that *'all stripping for the construction of the access road is undertaken under archaeological monitoring and an allowance in the construction timetable allowed for the excavation and recording of any archaeological features identified. This will also allow the nature, depth and date of geophysical anomalies to be assessed and to allow mitigation proposals for individual plots to be determined'*.

The County Archaeologist has considered the HIA and has submitted a further consultation response. The County Archaeologist considers that the applicant's proposed approach is based on the assumption that the archaeological remains are of a low significance and that impact is acceptable.

The County Archaeologist however takes the views that the HIA and previous geophysical survey are not sufficient to allow the significance of the archaeological remains to be properly defined.

The County Archaeologist has therefore reiterated his view that a programme of archaeological trial trenching should be carried out to allow an assessment to be made of the significance of the remains and allow a reasonable planning recommendation as to whether any potential loss is acceptable.

The County Archaeologist has advised that where loss is acceptable mitigation proposals should be put forward on a plot by plot basis. Mitigation might involve demonstrating that archaeological deposits will be preserved in situ beneath foundations or may include archaeological recording prior to or during development depending on the level of significance.

It is considered that the application does not provide the level of information required by the NPPF and the adopted Ryedale Plan - Local Plan Strategy Policy SP12 in order to understand the significance of potential archaeological remains and the impact of the proposed development and is therefore contrary to both national and local planning policy.

Ecological impact.

Policy SP14 aims to conserve and enhance biodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features.

The application is accompanied by a Preliminary Ecological Appraisal which has been amended in response to comments made by the County Ecologist. The proposed plans show the enhancements in the form of native tree planting to the boundaries and bat, bird and hedgehog boxes.

The County Ecologist is satisfied that the proposals are appropriate and would deliver significant net gains for biodiversity. The County Ecologist recommends a condition that this scheme (plan entitled 'New Habitat Map', dated March 2021) is implemented.

The County Ecologist also recommends an Informative that the applicant should be mindful of the advice provided in the Executive Summary and in Section 5.3 of the Preliminary Ecological Appraisal (final draft, dated March 2021). The County Ecologist highlights the importance of keeping the grassland short prior to development to avoid attracting wildlife onto the site.

It is considered that the proposed development complies with the requirements of Policy SP14.

Conclusion

The proposed sustainable credentials (re use of grey water, solar PV, electric car charging) and references to 'exceptional quality design' and the voluntary offer of affordable self-build plots are benefits (albeit lacking in detail) which are not considered to outweigh the significant and fundamental conflict with Policies SP1, SP2, SP16, SP19 and SP20 of Development Plan.

In conclusion the proposed development would not be appropriately located at this site and there are no compelling arguments or material considerations of sufficient weight to justify a departure from the Development Plan. As a result the application does not receive Officer support and is recommended for refusal.

RECOMMENDATION: Refusal for the following reasons:

- 1 The development proposed conflicts with Policies SP1, SP2 and SP19 of the Ryedale Plan – Local Plan Strategy in principle and the material considerations are such that they are not considered to outweigh the conflict with the development plan and do not justify a departure from the development plan in this case.
- 2 The proposed layout of the development is considered to be harmful to the existing built form and character of the settlement and the resulting encroachment of development into the open countryside will be detrimental to the landscape setting and surrounding landscape character of the settlement in conflict with Policies SP13, SP16 and SP20 of the Ryedale Plan- Local Plan Strategy
- 3 The proposed layout of the development would be harmful to the residential amenities of the occupiers of surrounding properties in terms of loss of privacy and disturbance arising from vehicular movements and there is nothing in the information supporting the application that demonstrates that self-build housing can be achieved at this site without harm to surrounding residential amenity in conflict with Policy SP20 of the Ryedale Plan- Local Plan Strategy.
- 4 The site is located in an area of significant archaeological interest. The application provides an insufficient level of information to understand the significance of potential archaeological remains and the impact or harm that the proposed development may have on below ground heritage assets. The proposal is therefore contrary to Policy SP12 of the adopted Ryedale Plan – Local Plan Strategy.
- 5 The application makes inadequate provision for the highway improvements and measures which are considered to be necessary for the development to be accommodated in a way which is acceptable in terms of highway safety and to promote sustainable modes of transport. The proposal is therefore contrary to the requirements of Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.