

**Item Number:** 9  
**Application No:** 20/01120/MFUL  
**Parish:** Sheriff Hutton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mr & Mrs A Woodhouse  
**Proposal:** Erection of 1 no. four bedroom dwelling with attached three bay garage, workshop, store and greenhouse and formation of new access drive with associated planting and landscaping works  
**Location:** Land At OS Field 257 Cornborough Road Sheriff Hutton North Yorkshire

**Registration Date:** 30 November 2020  
**8/13 Wk Expiry Date:** 1 March 2021  
**Overall Expiry Date:** 1 April 2021  
**Case Officer:** Jill Thompson **Ext:** Ext 43327

#### CONSULTATIONS:

<b>Sheriff Hutton Parish Council</b>	Object
<b>Highways North Yorkshire</b>	No objection
<b>Foss Internal Drainage Board</b>	Recommend conditions
<b>Lead Local Flood Authority</b>	
<b>Yorkshire Water Land Use Planning</b>	Thank you for consulting Yorkshire Water. We will respond to your planning enquiry within 21 days. If you do not receive a reply within 21 days of receipt then please assume that Yorkshire Water has no comments to make on the planning consultation.
<b>NYCC Natural Services</b>	Recommend conditions
<b>Building Conservation Officer</b>	
<b>Tree &amp; Landscape Officer</b>	
<b>Sheriff Hutton Parish Council</b>	Objection
<b>NYCC Natural Services</b>	Thank you for re-consulting the NYCC ecology team regarding this application. A calculation using the DEFRA Biodiversity Metric tool has been submitted which shows there would be a significant uplift in habitat units post-development, thus demonstrating net gains for biodiversity in line with the aspirations of the NPPF. Our previous comments regarding further information on Great Crested Newts still stand.
<b>Building Conservation Officer</b>	
<b>Representations:</b>	Miss Lavinia Taylor, Mrs Christine Brookes, Jose Taylor, Christopher Taylor, Ms Jane Thompson, Mr Christopher Taylor, Mr Guy Newbury, Mrs Sarah Kelly,

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#### SITE:

The application site is at Lamb Hill, to the west of Sheriff Hutton on the Cornborough Road. The site is situated to the north of the road and extends northwards from the Cornborough Road to cover approximately 7.8 ha of gently undulating terrain. An overhead power line bisects the site. In terms of dimensions, the site is approximately 298m from its northern to southern boundary and 246m from its western to eastern boundary. In general, the land to the north of the site and the power line forms a north facing slope rising from the northern boundary to the power line. The southern part of the

site is generally flatter although a prominent hummock (Lamb Hill) is located towards the south eastern side of the site.

The site is currently in agricultural (arable) use and includes extensive woodland planting to its eastern side and southern boundary and to approximately half of the length of its western boundary. The remainder of the western boundary and the northern boundary of the site are demarcated by hedgerow. To the south of the site and the road is a solar farm. Agricultural land together with isolated farmsteads and individual properties surround the remainder of the site. These include the property known as Cornborough Grange, which is located to the east of the site and Cornborough Hall, located to the north. An access road to Cornborough Hall bounds the eastern edge of the site.

### **Planning History**

20/00660/FUL – Formation of new field access off the north side of the Cornborough Road - Approved

### **PROPOSAL:**

The application is for a four bedroomed dwelling with three bay garage, workshop, store, greenhouse and access drive, together with a comprehensive scheme of hard and soft landscaping. The scheme is architecturally designed and proposes a strong contemporary design approach. It is proposed as scheme of exceptional design under ‘Paragraph 79’ of the National Planning Policy Framework.

The building is designed as a series of interconnected, distinct blocks and spaces and appears as a building group. It is proposed to be centrally located within the southern part of the site and to the north of the proposed access to the site from the Cornborough Road. It will be positioned to the south west of Lamb Hill on the eastern side of the site on a broad south-west, north-east axis between the hill and an existing pond on the site.

The proposed ancillary buildings, including the garage, workshop, greenhouse and store are located together on the eastern side of the building group and arranged around an enclosed courtyard on the northern side. A kitchen garden bounded by an espalier of fruit trees is proposed on the south eastern side of the collection of ancillary buildings. The proposed driveway leads from the access in a sweeping arc around the eastern part of the site to join this group of buildings.

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n plan form, the proposed dwelling and the ancillary buildings cover an area of approximately 55.5m (west –east) and 36.6m (north – south).

The main dwelling comprises of four distinct and interlinked built forms. Two double height blocks frame the northern side of the building group and are linked by a double height glazed link with green roof. A smaller orangery building is proposed to be connected to the western elevation of these elements. These blocks accommodate bedrooms, study, utility room and living spaces. A single story section to include open plan kitchen, dining and living space runs roughly perpendicular to the two storey sections. A single story link between the main block forms is set well within the central part of the structure of the group and includes a green roof. Together, the proposed built sections enclose a formal garden area on the south western side of the building. An enclosed courtyard also intersects the main dwelling space and the workshop, garage and greenhouse buildings.

The main sections of the building/ building group have strong, angular, asymmetrical folded roof forms which is achieved by roof ridges running on a diagonal between the corners of each of the main building blocks. The individual ‘blocks’ vary in height from 3.4m (to ridge) to 8.04m to the highest point of the roof apex of the tallest two story section.

Dark grey seamed zinc is proposed as the main roofing material, with green roofs covering single story links between the main building blocks. Dark grey zinc cladding is also proposed to cover some of the exterior walls, with charred vertical timber cladding set within a cut stone surround proposed as the finish on the north facing elevations of the building. Random rubble stone walling set within a cut stone surround is also proposed for some complete elevations and as feature insets within some of the zinc clad elevations. The random rubble stone is also proposed as walling to enclose sections of the building and spaces adjacent to the building. Dark grey powder coated aluminium windows are proposed with

vertical timber fins acting as vertical louvres covering some of the larger window openings. Deep vertical hardwood timber fins are also proposed to the southern face of the orangery block. A tapered garden wall extends westwards and eastwards from the northern side of the building group.

The proposal is accompanied by extensive landscaping proposals as an integral element of the design of the scheme. The building/building group and associated courtyard and formal garden spaces immediately adjacent to the building are surrounded by a formal area of lawn. This is delineated to the south of the building by a grass bank. Wildflower meadow is proposed to cover much of the remainder of the open area of the site between the building and its formal landscaped areas and the existing perimeter woodland. The application also proposes some additional tree planting to reinforce and graduate existing woodland planting. An orchard is proposed to the east of the garage, workshop building group. To the north of the building group, a copse of trees is proposed to be planted on Lamb Hill, with a corridor of tree and shrub planting running north of the building from Lamb Hill to the perimeter woodland on the western edge of the site. Beyond this corridor of tree and shrub planting, a species rich hay meadow is proposed to cover the northern half of the site. The hedgerow which delineates the northern boundary of the site will be retained with further tree and shrub planting to the existing perimeter woodland planting.

The proposal is accompanied by a range of supporting documents including a Design and Access Statement; Landscaping Masterplan; Landscape Design Statement; Landscape and Visual Impact Assessment and Heritage Assessment.

### **CONSULTATIONS:**

Members are reminded that all consultation responses can be read in full on the planning pages of the Council's web-site.

Objections to the proposal have been received from 5 groups/individuals. The issues raised are summarised below.

- Outside Development Limits
- Should be refused as anyone owning a field will think that they can get permission to develop it
- We have benefitted from good planning decisions with the construction of our property and there are good developments in the area, which like our house involved the improvement of existing structures. A decision to allow this arbitrary construction plan would open the flood gates for further development and ultimately the ruination of our village.
- It is not isolated and para 79 does not apply. It is within the settlement boundary of Cornborough with neighbouring dwellings in proximity. There is no physical or visual separation from the settlement of Cornborough and together with its proximity to other dwellings mean that it is not isolated.
- It is not isolated and Para79 should not apply and the application should be refused as it is contrary to Policies SP1 and SP2 of the Local Plan
- The proposal does not fit the criteria set out in Paragraph 79e.
- Does not meet aims of the NPPF in terms of biodiversity net gain and no information to say how biodiversity uplift is to be achieved and maintained.
- The development cannot be considered as truly outstanding or innovative or that it reflects the highest standards in architecture. No clear indication of how the building has been designed to encompass low carbon technologies that a paragraph 79 demands
- To be exceptional it should encompass new ideas and technologies
- The proposed technologies are not ground breaking and the scheme does not push the boundaries of country house architecture as inferred by the NPPF. By not implementing the latest sustainable technologies it cannot be considered as truly outstanding or innovative
- The proposal does not help to raise the standards of design in the rural area and would not enhance its immediate setting

- From the north the building will not be seen within the wider design integration but in stark isolation. It will appear alien and incongruous in the landscape setting and visible not as a definable house but as a high wall running along the ridge
- The rigid design features are at odds with the rolling countryside setting
- The Design Review Panel commented on the straight precise roof and suggested more rugged natural options. This and other concerns raised by the panel have not been fully addressed
- No assessment of the wind tunnel effects on local wildlife
- The proposal is not sensitive to the defining characteristics of the local area/not in keeping with landscape character. Formal landscaping features are not sensitive to the defining characteristics of the site
- To satisfy para 79 the house must fit the existing landscape and enhance its immediate setting and not try and make the landscape fit the design
- Contrary to emerging government policy on design codes as the proposed building is not a thing of beauty.
- Will appear as a long high wall and an oddity on the skyline
- The access works should have required a Newt Licence and the correct process has not been followed in approving and constructing that access

The Parish Council has also objected to the proposal and this is appended to the report. In summary the parish object on the basis that:

- It would be an extension of the village boundary
- It would create an unnecessary building in an open countryside location
- It would create a precedent
- There is nothing outstanding in the design
- Little thought has been given to local vernacular
- The building will be easily viewed from the north
- To be exceptional should be aiming to achieve the highest standards of sustainability

Two letters of support have been received. The issues raised in support of the application are summarised below.

- Exceptional design with highly considered environmental priorities
- Exactly what innovative housing design should look like and we should welcome this kind of outstanding design in our locality
- Unique development
- Innovative Design
- Raises the standard of design in a subtle manner
- Strong ecological credentials
- Avoids competition with existing brick built structures and farmhouses in the locality
- Careful consideration has been given to the isolated positioning of the development and maturing woodland planting complements its position
- The proposed location will allow this outstanding development to sit and engage with the surrounding landscape sensitively

### **Policy Context and Decision-Making Principles**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

## **The Development Plan:**

The Development Plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (Adopted 2013)
- The Helmsley Plan (Adopted 2015)
- The Ryedale Plan – Local Plan Sites Document (Adopted 2019)
- The Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)

The following policies of the Ryedale Plan - Local Plan Strategy are relevant to the assessment of the application:

- Policy SP1- General Location of Development and Settlement Hierarchy
- Policy SP2 - Delivery and Distribution of New Housing
- Policy SP12 - Heritage
- Policy SP13 - Landscapes
- Policy SP14 – Biodiversity
- Policy SP15 – Green Infrastructure Networks
- Policy SP16 - Design
- Policy SP18 - Renewable and Low Carbon Energy
- Policy SP19 - Presumption in favour of Sustainable Development
- Policy SP20 - Generic Development Management Issues

## **Wider Legislation:**

Wider legislation places specific statutory duties on planning authorities. Specifically in respect of this application this includes:

Section 40(1) of the Natural Environment and Rural Communities Act 2006 (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

## **Protected species:**

Section 85 of the Countryside and Rights of Way Act 2000, places a general duty on public authorities in exercising or performing any functions in relation to, or so as to affect land in an Area of Outstanding Natural Beauty to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

## **Additional Policy Documents**

- Ryedale Plan Policies Map (2019)
- National Planning Policy Framework (NPPF)

The framework makes it clear that it should be read as a whole. The policies which are predominantly (but not exclusively) relevant to the application include:

- Rural Housing and in particular, paragraph 79
- Conserving and Enhancing the Natural Environment, paragraph 172
- National Planning Practice Guidance

## APPRAISAL:

### Principle of Development

The proposed development is located in a rural, open countryside location. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Local Plan Strategy makes it clear that in such 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.

Specifically in relation to new housing development, Policy SP2 (Delivery and Distribution of New Housing) sets out the specific circumstances under which new housing can be justified in open countryside locations. 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 contrary to Policies SP1 and SP2 on the basis that it does not meet any of the circumstances under which dwellings in the open countryside are supported in principle by the development plan. The proposal is in conflict with the development plan which is silent in providing policy support for isolated dwellings which are promoted on the basis of exceptional design quality. This is a factor which weighs against the proposal. However, national policy has provided longstanding policy support for new homes that are promoted in this way and it should be recognised that the development plan was prepared at a time when Local Planning Authorities were discouraged from repeating key elements of national policy in Local Plans. This tempers the weight to be attached with the conflict with the development plan and clearly indicates that national policy is a significant material consideration in the determination of this application.

The information supporting the application makes it clear that the development is proposed under Paragraph 79 (formerly Paragraph 55) of the National Planning Policy Framework (NPPF). Paragraph 79 of the Framework makes it clear that planning “*decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply, including where:*

*(e) the design is of exceptional quality, in that it:*

- Is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and*
- Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”*

Members are aware that this element of national policy was historically introduced to provide policy support to ensure a continuation of the UK’s historic tradition of building fine large rural country houses, often set within a large landscaped setting. The National Planning Practice Guidance does not expand upon this aspect of national policy in either the rural housing or design section of the document. It is considered that this may be reflective of the fact that national policy support is limited to truly outstanding or innovative schemes.

Clearly, in order to meet Paragraph 79, the proposed development, in the first instance must be considered to be in an isolated location. The meaning of ‘isolated’ in this context has been considered by the courts in the case of Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610. In that case, the judge found that ‘isolated’ simply differentiates between the development of housing within a settlement and new dwellings that would be isolated in the sense of being separate or remote from a settlement. Whether a proposed new dwelling is or is not isolated in that sense would be a matter of fact and planning judgement for the decision maker in the particular circumstances of the case.

The application site is within the open countryside and approximately 1.7 km from Sheriff Hutton. It is clearly physically separate from that settlement. Cornborough itself is an area that includes a loose

cluster of farmhouses and associated land. It is not a cohesive or established settlement as such. The position of the proposed dwelling in this context is distinctly separate from other buildings in the area. In addition, landform, topography and intervening landscape features, including planting and open fields reinforce the sense of isolation.

The site is clearly physically separate from Sheriff Hutton and separated from other buildings which collectively are located in the area known as Cornborough. On that basis, it is considered that it can be considered to be 'isolated' for the purposes of paragraph 79 and to that end, paragraph 79 (e) of the NPPF is relevant to the determination of the application.

The two limbs of paragraph 79 section (e) aim to ensure that the design of any proposal is of exceptional quality and the extent to which the proposed development is acceptable in principle is dependent on the extent to which the design can be considered to be of exceptional quality under the criteria of section 79 (e). These require a proposal to be truly outstanding or innovative and would help to raise the standard of design in rural areas and, that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area (emphasis added).

### **Design**

The application is supported by a Design and Access Statement (DAS) which seeks to explain and justify the design credentials of the proposed scheme. It articulates the thought process behind the design concept, the client brief and the evolution of the design through a design review process. There are a number of core elements to the proposal around which the architectural and landscape design has evolved. These include:

- A series of interlinked single and two storey buildings
- Visual connection with key existing landscape features including a pond and the Lambs Hill hummock and a building orientation west-east between these features
- The creation of an arrival courtyard

The proposed building design is a modern, contemporary architectural aesthetic with an organic angular shape and form. The series of buildings are set at angles to each other and the use of asymmetrical, pitched folded roof forms together with dark grey zinc and charred timber with contrasting stone reinforce the dramatic and abstract nature of the design.

It is understood that the original design concept was based around the creation of a new house designed as a series of grouped buildings linked by walls, as a modern expression of a traditional farmhouse/farmstead. The DAS explains that the design approach was informed by local geology as it evolved. The site is located on a prominent stretch of glacial moraine between the Vale of York and the Howardian Hills. The random and angular deposits of rock associated with glacial drift have inspired the abstract, angular and asymmetrical shape and form of the building group. The design aims to reflect the concept that the building elements have been transported and deposited at the site. In addition, the proposed materials have been chosen to give the building a hard and durable appearance. The architects have further used the glacial drift metaphor to link their clients desire to return to and settle in area of the District which was previously their home for a significant period of time.

The applicant and architects have used the independent design review panel to inform the design process and the scheme has evolved in response to the recommendations of the panel. Two Design Review Reports are included in full in the Design and Access Statement.

The final design proposal is the scheme that forms the basis of this application. It followed the second design review which concluded that:

*"The revised scheme is very justifiable and with further detail sustaining the same degree of sensitivity is thought to be on track to be an outstanding design. The panel are behind the project conceptually."*

*"This is a very abstract and sculptural proposal that earnestly and convincingly interprets the glacial drift metaphor. The panel support the proposed building arrangement which sit well on the site and reinforces the concept".*

*"The panel support the building siting along the east-west axis and enthusiastically endorse the way in which the building is positioned and sited."*

As part of the second design review, the panel recommended that further thought be given to: the materials used for the treatment of each block and alternative options to the zinc roof; the location of the internal pantry and the transition of the formal garden area to the wider site.

The applicant/ architect are confident that that the final design has addressed most of the recommendations of the panel at the second design review stage and that the further changes to the scheme address the issues raised. These included: the use of contrasting materials on different elevations of the building blocks; the tapering of the garden wall at either side of the main building group to further anchor the building to the site and the insertion of openings into the wall to help delineate the building and wall and to allow views through; changes to the landscape design to include grassed banks and changes in planting to ease the transition between the formal garden areas and the wider site.

It is understood that the only suggestion raised by the panel which did not result in a change to the proposals was the proposed roofing material. The panel suggested that more rugged natural options such as a green roof or slate could be to better reflect the glacial drift concept. The applicant has chosen to retain the standing seam zinc as the material choice for the roof as it enables the same material to flow over the eaves line and to transition seamlessly from roof covering to wall covering and with inset gutters allows a stronger expression of the idea of a flowing material.

Members are aware that whilst paragraph 79 (e) demands development to be of a design that is exceptional quality which is truly outstanding or innovative, what this means is not defined in national policy. The extent to which this test in national policy is considered to be met is based on a judgment of the factors that are considered to make design exceptional and outstanding or innovative. National policy makes it clear that the independent and expert design review panels should be used to help inform this consideration.

Members have previously considered applications made under para 79 of the NPPF. Clearly, there are elements of design which are subjective – the appearance of a building may not suit individual taste for example. Notwithstanding this, officers are of the view that there are a number of attributes that integral to outstanding design and architecture. These are particularly relevant in relation to contemporary architecture and can include for example: design ingenuity; imagination, art and creativity which underpin aesthetic ambition and the connection of a building to a place. The context of site and the key elements which make a building's aesthetic such as its proportions and materials are all integral to successfully connecting contemporary design in a place. A contemporary building of outstanding design will be creative and unique and it will capture imagination and will feel rooted in its location.

In Officers view, the scheme is of an outstanding design. Creativity in the design is underpinned by a strong narrative which explains the design concept and resulting aesthetic shape, form and function. The proportions of the buildings and building group and the siting and arrangement of the buildings are entirely appropriate for the size of the site, its topography, features and existing sense of seclusion. The proposed materials are considered to reinforce the bold design and provide a contemporary vernacular that helps to root the building into its local rural context. Indeed, the proposed use of materials in this context, is a key way in which the proposal could be considered to help raise the standard of design across the District.

Therefore, in taking account of the views of the Design Review Panel and the information supporting the application, the proposed dwelling is considered to be truly outstanding, which reflects the highest standards in architecture and which would help to raise the standard of design more generally in rural areas. In this respect, the application is considered to meet the first limb/test of paragraph 79 (e). It should be noted that to meet this test in national policy, a building needs to be truly outstanding or innovative. Traditionally, the extent to which buildings are considered to be innovative has related to design ingenuity and methods of construction, most notably in relation to sustainable building techniques. In the view of officers, outstanding architecture can be innovative by departing from aesthetic trends. In many respects, the proposed building is so different to anything that has been designed in Ryedale to date, its contemporary design is innovative in itself.



The proposal in terms of its siting, scale, form is designed to respect the context provided by its surroundings. This is expanded upon in the Landscape section below but in this respect, the proposal is considered to comply with Policy SP16 (Design) of the Local Plan Strategy.

The design seeks to reduce environmental impact in line with Policy SP18 of the Local Plan Strategy through thermal efficiency, the use of a ground to water heat pump to heat the building and water and solar pv cells for on-site electricity generation. The solar panels will form part of an integrated roof system on the southern slope of the roof of the main two storey section of the dwelling and the southern roof slope of the garage block. A predicted energy assessment for the building has been prepared to support the application. It concludes that the building would achieve the highest energy efficiency rating and the highest Environmental Impact (CO<sub>2</sub>) rating in terms of lower CO<sub>2</sub> emissions.

Objectors to the scheme are of the view that a 'Para 79 house' should embody cutting edge sustainable technologies as part of its design. Whilst a number of Para 79 houses have been promoted in this way as a way of meeting the 'innovative' test in national policy, it is not a requirement of national policy that a paragraph 79 dwelling should adopt cutting edge technology. Whilst it would not be unreasonable to expect a para 79 house to be designed to achieve high levels of energy efficiency and to include renewable energy techniques, Officers are of the view that to require the use of cutting edge sustainable technologies goes beyond the requirements of para79.

### **Landscape and Visual Impact**

The site is gently undulating land at the juncture of two National Landscape Character Areas – the Vale of York and the Howardian Hills. Large, dispersed, courtyard farmsteads and arable fields bounded by trees and hedgerows are key landscape features. A more detailed Landscape Characterisation study prepared by North Yorkshire County Council in 2011 defines the area as being an Upland Fringe and Valley landscape ( wooded hills and valleys character type) which is characterised by country houses in parkland settings; hills, ancient trackways, woodland cover, fields and large scattered farmsteads. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The assessment notes that the site is assessed as being of medium-high landscape value and that it makes a positive contribution to the wider rural setting. The LVIA concludes that following the construction phase and the implementation of the proposals, the scheme will result in moderate beneficial landscape effects on the site as a result of the landscape enhancements which are proposed that will strengthen landscape character. The LVIA concludes that these will result in slight beneficial effects to the wider landscape. The LVIA has also assessed the visual impacts associated with the proposal. It notes that the site is relatively well screened from the south and along parts of its western and eastern boundaries by the existing established woodland. In terms of visual effects, the LVIA notes that the scheme would be a minor component of the view of long range views of the site and that closer range views are largely confined to those from the bridleway to the west of the site and from Cornborough Hall to the north. The assessment notes that due to intervening distance, topography (and the siting of the dwelling in the lower part of the site) and additional landscape planting, the proposal will result in negligible change to the view experienced from the Public Right of Way. It concludes that adverse impacts associated with the view from Cornborough Hall during and immediately after the construction phase will be mitigated by the proposed planting of additional landscape features and the wildlife corridor. The dwelling is proposed to be sited south of Lamb Hill at a land level xx below the top of the hill. From the north the upper section/roofs of the house will be visible over the ridge in the landscape. The highest point of the building above the height of Lamb Hill will be 4.4m. The proposed intervening wildlife corridor will mitigate and soften the edge of the building. The LVIA concludes that the proposed dwelling would be minor component of the overall view in which key landscape features, including open fields, trees and hedges will remain.

The LVIA concludes that there are no over-riding landscape or visual reasons to suggest that the proposal would cause significant harm to landscape or visual amenity.

The proposed development does not conflict with the prevailing landscape character and is not considered to detract from it. In terms of its setting in the landscape the proposed building/building group is reflective of the scattered courtyard farmsteads which are an integral part of the surrounding landscape character. The formal garden and orchard areas associated with the design are not considered conflict with the prevailing landscape character. A number of the farmsteads and houses in the surrounding landscape include an element of formal garden land associated with them and the

supporting Landscape Design Statement notes that historically, orchards were common features within the local landscape. The wider informal landscaping proposals retain key landscape features, including fields and boundary trees and hedgerows; include further hedgerow and tree planting, such as the green corridor proposed to the north of the proposed dwelling; and aim to restore and enhance key landscape features including the restoration of historic (c18) scots pine planting on Lamb Hill and the two ponds on the site.

Concerns have been raised that the building will appear incongruous in the landscape. Clearly a contemporary new dwelling, promoted under Paragraph 79 will be appear different to other dwellings in the locality, especially in comparison to traditional vernacular buildings. The proposed design reflects traditional farmsteads and the shape, form and mass of the building echoes the acute angular shapes which are common with the grouping of modern farm buildings within the existing rural landscape. It will be clearly recognisable and understood as an example of modern architecture and as a dwelling and in these respects, it is considered that it will not appear incongruous in the landscape. The site is located approximately two miles south of the boundary of the Howardian Hills Area of Outstanding Beauty. On a landscape scale it forms part of the wider setting of the AONB. However, given the scale of the proposed development and the intervening distance, the proposal would not result in landscape or visual impact on the protected landscape.

It is considered that the proposal complies with Policy SP13 (Landscapes) of the Local Plan Strategy in terms of impact on the character and appearance of the landscape. A condition is proposed to ensure that any lighting is acceptable in terms of its impact on nocturnal landscape character and biodiversity. Members are aware that the second test of a design of exceptional quality established by paragraph 79(e) is that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The extent to which a proposal would significantly enhance its immediate setting extends further than an assessment of the effects of a proposal on landscape character and the mitigation of effects in landscape terms, through a LVIA for example. The landscape design (including ecological enhancement) proposals are an integral element of the scheme which aim to significantly enhance its immediate setting. The immediate setting for the proposal is predominantly comprised of the arable fields in which it is located, the enclosure provided by the existing perimeter woodland planting and the nearby landscape features which include hedges, ponds and the Lambs Hill hummock.

The approach to landscape design combine landscape enhancements to the immediate setting of the dwelling which are also focussed on securing a net gain in biodiversity at the site. The creation of species rich grassland and meadow across much of the open area of the site will ensure that field shapes are retained but with clear aesthetic and biodiversity enhancements. Additional tree and understorey planting within the woodland boundary edge will provide more structural diversity. In conjunction with the meadow planting this will better integrate the perimeter woodland planting with the site. At present the woodland has an abrupt uniformity to its edge within the site. The landscaping proposals and recommendations within the supporting tree survey will significantly improve the way in which this feature integrates and connects with the site. The enhancement of existing ponds and pond margins with greater plant species diversity and the inclusion of a further pond; the proposed orchard habitat; the enhancement of existing hedges; the proposed new wildlife corridor running east-west across the site; additional woodland cover and restored copse planting at Lamb Hill are all ways in which cumulatively the landscape design proposals are considered to significantly enhance the immediate setting of the proposed dwelling.

Officers are of the view that enhancements to the immediate setting of a para 79 dwelling are not necessarily be limited to the consideration of landscape design or landscape restoration. The design of a house as a piece of architecture which is well integrated with its context can itself significantly enhance its immediate setting by virtue of its aesthetic interest, appeal and creativity. It is considered that this is the case in relation to this scheme and that the architectural merit of the house is such that in itself, the proposed building would enhance its immediate setting by virtue of its presence on the site.

It is considered that the design of the scheme, including the approach to landscape design is compatible with the prevailing landscape character. As noted above, the proposal is considered to be sensitive to the

defining characteristics of the local area. In summary, it is reflective of the scattered farmsteads set within the surrounding landscape; the building group is sited and orientated to sit within the undulating topography and landscape features such as the hummock; and the proposal retains key landscape features including fields, hedges, and trees and with new planting to reinforce its position within a well treed landscape. As the scheme is not considered to be out of character with the prevailing landscape character, the existing value and quality of the landscape will not be undermined.

In these respects, Officers are of the view that the scheme also meets the second test of paragraph 79 (e) of national policy.

### **Ecology and Trees**

The application is supported by a Phase 1 habitat survey and preliminary ecological appraisal, together with a more recent, up to date Great Crested Newt (GNC) survey.

The GNC survey reveals that the two ponds on the site support a small population of GCNs. Therefore, a Protected Species Licence will need to be obtained to exclude and remove GCNs from the development site. NYCC's Ecologist has confirmed that providing this mitigation is undertaken, the proposed development would result in a significant improvement in the quality and extent of aquatic and terrestrial habitats for amphibians. On that basis, the ecologist has advised that the proposed development would meet the test in the Conservation of Habitat and Species Regulations 2017 that '*the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'. A condition to provide a copy of the European Protected Species Licence issued by Natural England is recommended.

NYCC's Ecologist has confirmed that the landscaping and habitat creation proposals will result in significant net gains for biodiversity and that the submission of a calculation using the DEFRA Biodiversity Metric Tool demonstrates a significant increase in habitat units post the development. The supporting ecological appraisal includes a number of recommendations for measures to support biodiversity on the site. On the basis that the ecological enhancements are an integral element used to justify the scheme under paragraph 79 of national policy, it is considered that a condition to secure an appropriate Ecological Management Plan is necessary to ensure that enhancements are provided and maintained over time.

The net gain in biodiversity in part demonstrates the significant improvement to the immediate setting of the development required under paragraph 79 (e) of the NPPF and is in line with Policy SP14 (Biodiversity) of the adopted Local Plan Strategy and the national policy requirement to provide net biodiversity gain through new development.

The Tree and Landscape Officer has confirmed no objections from an arboriculture perspective, subject to a condition to secure landscaping details and appropriate tree protection measures during construction.

### **Heritage**

There are two designated heritage assets (listed buildings) within the locality of the site. Cornborough Villa is situated approximately 350m to the south-west of the site and Cornborough Hall, 650m to the north. The application is accompanied by a Heritage Assessment. The assessment confirms that due to the intervening road and woodland screening, the proposed development does not fall within the setting of Cornborough Villa and does not have the potential to affect the setting of that heritage asset. The assessment notes that there is intervisibility between the proposed development and Cornborough Hall and that the site falls within the setting of Cornborough Hall.

Members are aware that in determining planning applications the Local Planning Authority has a legal duty to have special regard to the desirability of preserving a Listed Building or its setting. Harm to the significance of a Listed Building can occur as a result of development within its setting. The Heritage Assessment notes that the significance of Cornborough Hall lies in its architectural and historic interest as a rural farmhouse of vernacular character within in remote countryside setting. It notes that historically the application site was not part of the land relating to the hall and the landscape was not designed as part of the setting of the Hall. The assessment concludes that the proposed development will result in a neutral impact to the setting of the hall and that there will be no harm to the significance or

setting of the listed building as a result of the development proposed. Officers, including the Council's Building Conservation Officer, concur with the conclusions of the assessment. The setting of the listed building includes a number of existing farm buildings and farmhouses set at a distance from the building. Intervening farmland will remain as open countryside and the scheme retains the sense of enclosure around the southern extent of the wider setting of the Listed Building which is formed by the existing woodland belt.

The proposed development is considered to comply with Policy SP12 (Heritage) of the Local Plan Strategy.

### **Drainage**

The application proposes the use of a package treatment plant for the disposal of foul sewerage and the use of soakaways for the disposal of surface water. The site is located within Flood Zone 1 and has an impermeable area of less than one hectare. On that basis, the Local Lead Flood Authority class the development as minor development for their purposes and would not normally comment on development in these circumstances.

The Internal Drainage Board has recommended a condition requiring a scheme for the provision of surface water drainage works to be agreed on the basis that the site is in close proximity to watercourses within the Boards area.

It is considered that there are no technical reasons which would prevent satisfactory drainage measures to be installed which would prevent pollution and which would not increase flood risk. In this respect the application is considered to comply with Policy SP17 (Managing Air Quality, Land and Water Resources) of the Local Plan Strategy.

### **Highways**

The proposed scheme will be accessed from the Cornborough Road using an existing access to the site. The Local Highway Authority has confirmed that it considers that the scheme will not have a detrimental impact on the highway network. It has no objections to the scheme and has not recommended a need for any specific highway related conditions.

### **Neighbouring Amenity**

The proposed dwelling within the application site is distanced from other properties in the locality. The proposed dwelling is sited approximately 650m from Cornborough Hall to the north and 200m from Cornborough Grange to the east. It is considered that a new dwelling in this location would be acceptable having regard to the amenities of the occupiers of neighbouring properties. The development would not give rise to unacceptable effects in terms of noise, disturbance or a reduction in privacy due to the distances between properties and the extent of intervening land and landscaping.

The occupiers of Cornborough Hall have raised concerns about the visual impact of the development. Whilst the proposed dwelling will be visible from Cornborough Hall to the north it is considered that the impact of this is in part mitigated by the intervening distance, topography and the proposed green corridor to the north of the proposed dwelling and running across the site on a broad east-west alignment. Notwithstanding this, the visibility of the proposed development relates to a private view from Cornborough Hall and the visual impact of the scheme would not be so great as to result in an overbearing impact for the residents of the Hall to the detriment of their health or residential amenity. The proposal is considered to comply with the Policy SP20 of the Local Plan Strategy in this respect.

### **Other Issues**

The Parish Council has raised concerns that the application would set a precedent. Members are aware that every application is treated on its merits and that any application made against paragraph 79 of the NPPF would be individually assessed on its merits against the national policy tests.

Concerns have been raised that the applicant may not have secured a Protected Species Licence prior to the installation of the existing access. The issues relating to GCN were not picked up as part of the validation or consideration of the planning application for the access. Notwithstanding this, it would be for relevant authority to consider the need for any action in this case. The presence of the small

population of GCN at the site has been fully considered as part of this application and as outlined above, the NYCC Ecologist is confident that the proposed development would not be detrimental to the conservation status of the GCN population at the site.

### **Conclusion**

It is considered that the design of the proposed dwelling is of an exceptional quality which meets the standards required by paragraph 79 (e) of the NPPF. It is a truly outstanding design.

The scheme has been subject to design review and has evolved in response to this process and the views of the review panel. It is considered to reflect the highest standards of architecture and would help to raise the standard of design within the rural area of Ryedale. As a whole, the proposal is considered to significantly enhance its immediate setting and is considered to be sensitive to the defining characteristics of the area. The scheme would also result in biodiversity net gain.

The development would not result in any unacceptable adverse impacts in terms of local amenity, landscape character and visual impact, heritage assets, biodiversity, highway safety or flood risk. It would not conflict with Policies SP12, SP13, SP14, SP15, SP16, SP17, SP18 and SP20 of the Local Plan Strategy.

Against these circumstances, it is considered that the exceptional quality of the design and compliance with paragraph 79 (e) of the NPPF outweighs the provisions of the adopted development plan in relation to the location of new housing development.

### **RECOMMENDATION: Approval subject to the following conditions:**

- 01 The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Location Plan 1372\_EX10\_01\_Rev A
- Proposed Layout Plan 1372\_AR10\_01\_Rev B
- Proposed Elevations 1372\_AR30\_01\_Rev B; 1372\_AR30\_02\_Rev B; 1372\_AR30\_03\_Rev B
- Proposed Sections 1372\_AR40\_01\_Rev B
- Proposed Floor Plan 1372\_AR20-01\_Rev B; 1372\_AR20\_02\_Rev C
- Landscape Masterplan. Date Scanned 2/12/2020

- 03 Notwithstanding the submitted details, prior to the construction of any of the buildings hereby permitted, details and samples of the materials to be used on the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

- 04 Prior to the construction of any of the buildings hereby approved, details of all windows, glazing, fixed screens, doors and garage doors shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

05 Before the development hereby permitted commences, full details of all of the ground surfacing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to satisfy Policies SP16 and SP20 of the Local Plan Strategy.

06 Notwithstanding the submitted details, prior to the construction of any of the buildings hereby permitted, full details of the materials and design of all means of enclosure to be used on the application site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to satisfy Policies SP16 and SP20 of the Local Plan Strategy.

07 No development shall commence on site until further details of finished ground floor levels in relation to a measurable datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels details.

Reason: To ensure a satisfactory appearance of the development and to accord with Policies SP13 SP16 and SP20 of the Local Plan Strategy.

08 Prior to the construction of any of the buildings hereby permitted full details of all external lighting for the development and access road, including all luminaires, lux values and luminance levels and, full details of the light spill and glare arising from internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter accord with the approved details.

Reason: To protect the landscape character of the area in accordance with Policies SP13 and SP20 of the Local Plan Strategy and to mitigate the impact of the development on biodiversity, including foraging and commuting bats in accordance with Policy SP14 of the Local Plan Strategy.

09 Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall accord with the approved Landscape Masterplan and the measures outlined in the Preliminary Ecological Appraisal by Wold Ecology LTD, dated July 2020. The details shall include the numbers, species, heights on planting and positions of all trees and shrubs including existing items to be retained and shall include details of all seeding and turfing; pond creation and pond margin planting. A programme for the timing of all planting, seeding and/or turfing and a maintenance and management schedule for all landscaping and habitat creation shall be agreed by the Local Planning Authority. The landscape planting and habitat creation shall thereafter be laid out, carried out and maintained in accordance with the details approved.

Reason: To enhance the appearance of the development and the setting of the development in accordance with Policy SP16 of the Local Plan Strategy and Paragraph 79 of the National Planning Policy Framework and to secure biodiversity net gains in accordance with Policy SP14 of the Local Plan Strategy.

- 10 The development hereby approved shall be undertaken in accordance with the habitat and species mitigation set out in the Preliminary Ecological Appraisal by Wold Ecology LTD, dated July 2020.

Reason: To secure the long-term protection of the species and habitats and to satisfy Policy SP14 of the Local Plan Strategy

- 11 No development or other operation shall commence on site until a Method Statement for Arboricultural Works which provides for the retention and protection of trees, shrubs and hedges on the site and an Ecological Construction Method Statement (ECMS) detailing measures for the protection of species and habitat of ecological value on the site have been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include all measures set out in the Preliminary Ecological Appraisal by Wold Ecology LTD, dated July 2020. The development shall thereafter be carried out in accordance with the measures set out in the approved Method Statement for Arboricultural Works and Ecological Construction Management Plan.

Reason: To protect trees, shrubs and hedges and to maintain and enhance the site's ecological value in the interests of amenity and biodiversity in accordance with Policies SP14 and SP15 of the Local Plan Strategy.

- 12 No development shall commence until such time as a European Protected Species Licence has been obtained.

Reason: In the interests of protected species that are known to be present on the site and to satisfy Policy SP14 of the Local Plan Strategy

- 13 No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a scheme for the provision of surface water drainage works.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP17 of the Local Plan Strategy.

- 14 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in order to satisfy Policy SP20 of the Local Plan Strategy and to retain the integrity of the design of the development in accordance with Paragraph 79 of the National Planning Policy Framework.

- 15 Notwithstanding the provisions of Schedule 2 Part 2 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class C: Exterior painting

Reason: To ensure a satisfactory external appearance in order to satisfy Policy SP20 of the Local Plan Strategy and to retain the integrity of the design of the development in accordance with Paragraph 79 of the National Planning Policy Framework.

## **INFORMATIVES**

1. Any works to the buildings and any groundworks or vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.
2. Surface Water Drainage Scheme  
The following criteria should be considered:
  - The suitability of soakaways as a means of surface water disposal should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
  - If soakaways are not feasible then the IDB may consider a proposal to discharge surface water into a water course ( directly or indirectly)
  - Discharge rate from Green Field sites should be taken as 1.4 litres/second/hectare ( 1:1 year event)
  - Storage volume should accommodate a 1:30 year event with no surface water flooding and no overland discharge of the site in a 1:100 year event
  - A 30% allowance for climate change should be included in all calculations
  - A range of duration should be used to establish the worst- case scenario