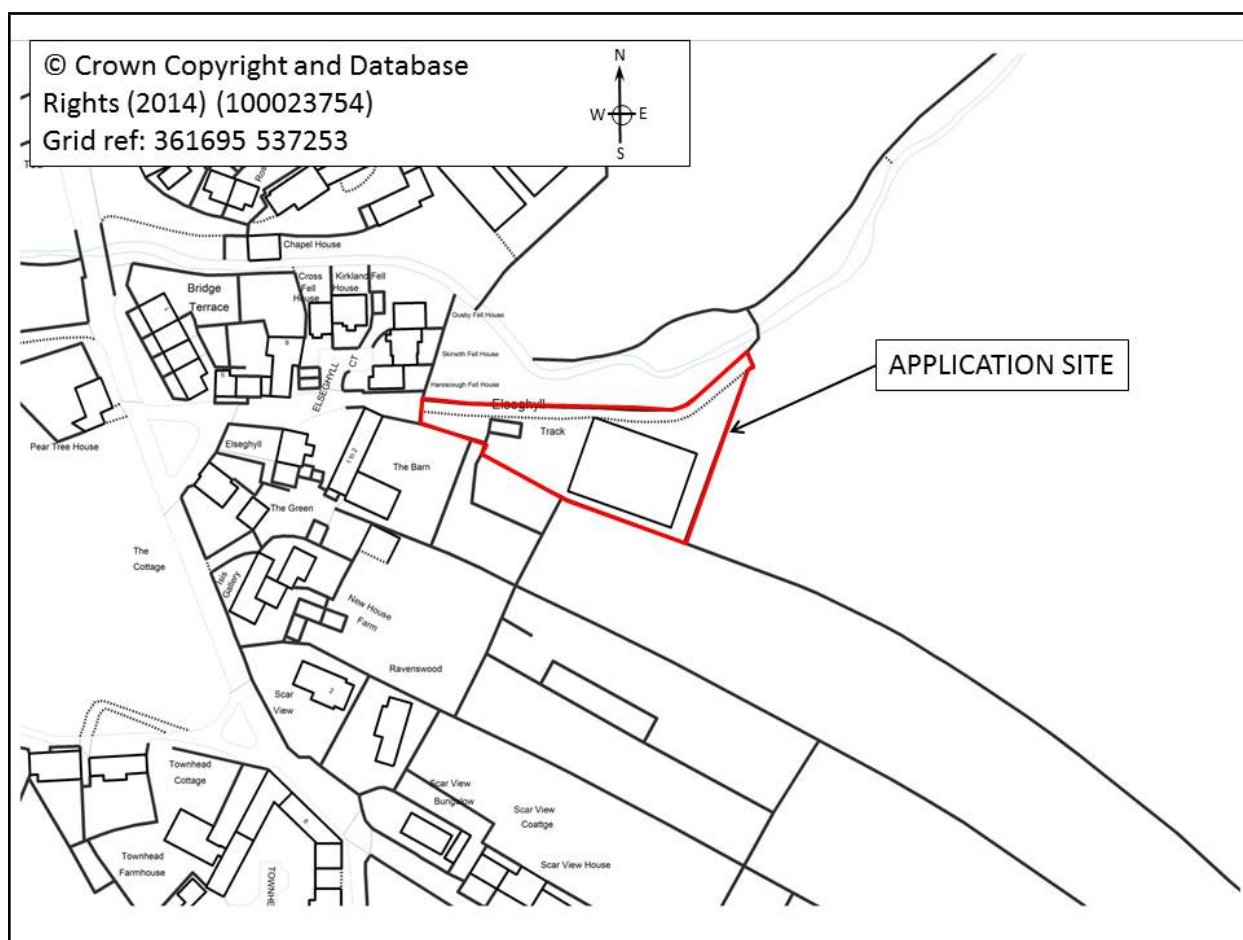


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|---------------------------------|---|-----------------------|----------------|
| Date of Committee: | 21 April 2016 | | |
| Planning Application No: | 16/0017 | Date Received: | 7 January 2016 |
| OS Grid Ref: | 361687 537257 | Expiry Date: | 4 March 2016 |
| Parish: | Ousby | Ward: | Hartside |
| Application Type: | Full | | |
| Proposal: | Demolition of Shed and Erection of Single Detached Dwelling | | |
| Location: | Land at Elseghyll, Rear of Elseghyll Court, Melmerby | | |
| Applicant: | Ms E Mark | | |
| Agent: | Mr A Willison-Holt | | |
| Case Officer: | Ms Rachel Lightfoot | | |
| Reason for Referral: | The application has been requested to be heard at Planning Committee by a local Councillor. | | |



1. Recommendation

It is recommended that planning permission be refused for the following reasons:

- 1) The proposed dwelling is considered to be outside the village boundary, physically and visibly distinct from Melmerby and within the open countryside. No exceptional justification for the dwelling has been made to override planning policy which seeks to control housing in the open countryside and the proposal is therefore contrary to Core Strategy policies CS2, CS7 and CS9 of the Eden Core Strategy and Para 55 of the National Planning Policy Framework.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal seeks to replace an existing barn with a new house. The barn as existing is used as a private storage area having previously been in agricultural use. The applicant's agent advises that the building has been used for storage since 2003 although no planning application has been received for a change of use.
- 2.1.2 The proposed house is a three bed two storey building. It is situated partly within the footprint of the existing building. The proposed house is open market ie no restriction on occupation or use.

2.2 Site Description

- 2.2.1 The site is currently occupied by an agricultural building and external hardstanding area. Access to the site is achieved via an existing track between houses. The site is considered to be separated from the village by the existence of the gap of approximately 70m from the rear of the property known as the Barn and approximately 100m from the rear boundary of the property known as Harescuegh House.
- 2.2.2 The site is adjacent to Elseghyll stream and is partially within Flood Zone 2. The site itself is relatively level with the land rising to the rear. The site is within the North Pennines Area of Outstanding Natural Beauty (the AONB).

3. Consultees

3.1 Statutory Consultees

| Consultee | Response |
|--------------------|--|
| Highway Authority | No response. |
| Environment Agency | The site lies within Flood Zone 2 and therefore will need to adhere to the Agency's standing advice. |

3.2 Discretionary Consultees

| Consultee | Response |
|----------------|-------------------------------------|
| Parish Council | Objection (set out fully below) |
| AONB | Comments only (set out fully below) |

The following are detailed responses as outlined above:

- 3.2.1 **AONB** - The proposed development falls within the protected landscape of the North Pennines AONB (though the D&A statement infers otherwise - a common mistake in Melmerby) so section 85 of CROW, 115 of the NPPF apply. If approved, the dwelling should follow best practice found in the specific planning documents for the AONB (adopted as SPD for Eden District)

4. Parish Council Response

| Parish Council | Please Tick as Appropriate | | | |
|----------------------|----------------------------|---------|-------------|-------------------|
| | Object | Support | No Response | No View Expressed |
| Ousby Parish Council | ✓ | | | |

- 4.1 “The Parish Council considered the detailed application for construction of a single dwelling at its meeting on 3 February 2016.

The Council agreed the site as being suitable for development for a single dwelling.

It was however, resolved to **OBJECT** to the detailed planning application on the following grounds:

1. Concern as to surface water and foul sewage consequent on construction of a dwelling. It was understood that the surface water and foul sewage drainage serving the Elsegthyll houses already constructed flood the yard, including with foul sewage, especially when there has been heavy rainfall. It was felt that this issue for a new property needed to be addressed as part of the Application.
2. The scale of the proposed dwelling being too large in the context of the immediate and general housing in the village.”

Amended plans were consequently received following discussion however the meeting at which it was due to be discussed was cancelled. Comments from the following meeting 06-04-16 were not available at the time of report however these will be provided to Planning Committee verbally when the application is heard.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 22 January 2016.

| | | | |
|---------------------------------------|----|--------------------------------------|---|
| No of Neighbours Consulted | 6 | No of letters of support | 8 |
| No of Representations Received | 10 | No of neutral representations | 0 |
| No of objection letters | 2 | | |

- 5.2 Letters of support were received which provided the following comments:

- It will use a brownfield site;
- It is intended for a local person;
- It will keep a young person in the village;
- It does not overlook neighbours;
- It has not flooded; and
- House prices are out of reach of local people

- 5.3 Letters of objection raised the following material considerations to the application:

- Drainage and the potential to block existing drains;
- Potential for the soakaway to increase contamination to Elsegthyll Beck;
- The development is too large and out of keeping with Melmerby;
- Negative impact on the aspect and amenity of Haresceugh Fell House

6. Relevant Planning History

There is no relevant planning history.

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS3 - Rural Settlements and the Rural Areas
- CS4 - Flood Risk
- CS6 - Developer Contributions
- CS7 - Principles for Housing
- CS9 - Housing on Rural Exception Sites
- CS10 - Affordable Housing
- CS18 - Design of New Development

Supplementary Planning Documents:

- Housing (2010)
- North Pennines AONB Planning Guidelines (July 2011)
- North Pennines AONB Building Design Guide (2011)

7.2 Other Material Considerations

National Planning Policy Framework:

- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

8. Planning Assessment

8.1 Key/Main Planning Issues

8.1.1 The key planning issues are considered to be:

- Acceptability of principle
- Acceptability of design
- Impact on the AONB

8.2 Principle

8.2.1 The application seeks to provide an open market house. Whilst letters of support refer to it being for the daughter of a resident who cannot access housing on the open market due to house prices, the house is not proposed to be affordable under any mechanism or subject to a local occupancy clause. The consideration of the application does not therefore give any weight to the potential occupant of the house as this does not form part of the application and should be considered as an open market house only.

8.2.2 It is acknowledged that the site is currently occupied by a building. However, the site is considered to sit outwith the village envelope which is considered as defined by the rear gardens of the existing properties at Elseghyll. The existing shed is considered to lie within the open countryside and displays typical agricultural type development on the rural edge of a village. The site is separated from the rear garden areas by over 50m and this underlines the uncomfortable relationship any dwelling would have in being appreciated as part of the village envelope. The site does not form an infill plot.

8.2.3 It is considered that the development lies outside the village and with no exceptional justification being put forward it is considered that the principle of a dwelling on this location is contrary to the development plan.

8.3 Landscape and Visual Impacts

8.3.1 The proposed dwelling lies within an area of localised public visibility due to the existence of housing along the public highway and the access through a pair of existing houses. The retained large trees would reduce any landscape impacts.

8.4 Residential Amenity

8.4.1 Situated approximately 56m to the rear of the nearest property it is not considered that the proposed dwelling would cause any demonstrable harm to the residential amenity of existing properties.

8.5 Infrastructure

8.5.1 The Environment Agency has confirmed that there are no objections but the Standing Advice in relation to Flood Zone 2 should be followed. It is confirmed that this is the case.

8.5.2 United Utilities has not provided a response. However, the issues which have been raised in relation to drainage relate to private surface water drain. SUDS are shown within the flood plain and this would be considered unacceptable as any system should be on land outside this. However, this is an issue which could be dealt with by way of planning condition and consequently would not be considered a reason for refusal.

8.6 Natural Environment

8.6.1 There are no identified impacts on the natural environment.

8.7 Built Environment

8.7.1 The dwelling has been altered since the application was received in order to reduce the size and simplify the design and it is considered that this represents an improvement on the original proposal and is more sympathetic to the surrounding development.

9. New Homes Bonus

9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a 'material consideration' in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. Implications

10.1 Legal Implications

10.1.1 The following matters have been considered but no issues are judged to arise.

10.2 Equality and Diversity

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

10.3 Environment

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

10.4 Crime and Disorder

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

10.5 Children

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

10.6 Human Rights

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

11. Conclusion

11.1 It is considered that the proposal does not accord with the Development Plan for the following reasons which are not outweighed by material considerations:

- The proposed dwelling is considered to be outside the village boundary, physically and visibly distinct from Melmerby and within the open countryside. No exceptional justification for the dwelling has been made to override planning policy which seeks to control housing in the open countryside and the proposal is therefore contrary to Core Strategy policies CS2, CS7 and CS9 of the Eden Core Strategy and Para 55 of the National Planning Policy Framework.

Gwyn Clark
Head of Planning Services

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| Checked by or on behalf of the Monitoring Officer | ✓ |
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Background Papers: Planning File