

Allerdale Borough Council

Planning Application WTPO/2021/0027

Development Panel Report

Reference Number: OUT/2021/0024
Valid Date: 23/09/2021
Location: Land to the rear of Thorndykes, Hayton, Aspatria, Wigton, CA7 2PD
Applicant: M Dixon
Proposal: Resubmission of application OUT/2020/0016 for the outline application for one local occupancy dwelling with access and landscaping

RECOMMENDATION

That the application is refused.

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	<p>The proposal site is situated within the village of Hayton which is specified in the Local Plan (part 1) as an infill/rounding off village. Part 2 of the Local Plan omits any settlement limits for the village. The merits of the principle of the development therefore fundamentally relate to whether, physically, the plot itself constitutes an infill or rounding off plot. It is the opinion of officers that this site does not fall into this category.</p> <p>The proposal is therefore considered contrary to Policy S3 of the Allerdale Local Plan.</p>
Highways	<p>Cumbria Highways have raised no objections to the proposal subject to conditions relating to visibility splays and construction and drainage specification details for the access area. The proposal is therefore considered acceptable in terms of highway considerations.</p>
Amenity	<p>It is considered that the development site is of significant distance to neighbouring properties to overcome any potential</p>

	amenity issues and any amenity issues would be addressed as part of any future reserved matters application.
Heritage	The site falls just outside of the Hayton Conservation Area, however the access road is within. The application site is located within Hadrian's Wall World Heritage Site Buffer Zone and is also adjacent to a Listed Building (The Chapel) directly to the right of the access track. It is considered that a development of one residential dwelling could be achieved without resulting in detriment to the above assets.
Drainage	A drainage report has been submitted with the application which are considered satisfactory for the development

2. Introduction

- 2.1. The application has been called in by Cllr Lister to be considered by the Development Panel

3. Proposal

- 3.1 The application seeks outline planning permission for one local occupancy dwelling with access and landscaping to be considered.
- 3.1. The details for consideration are:-
Application form dated 23.09.2021
Dwg No TD.01a – Location Plan
Dwg No PB2 – Block Plan
Outline Drainage Design dated 31.07.2020

4. Site

- 4.1 The proposal site is situated within the village of Hayton which consists of residential development to either side of the highway through the village. To the North of the site is agricultural fields. It is just outside the designated Conservation Area however the proposed access to the site is within.
- 4.2 The application seeks outline planning permission for the erection of one local occupancy dwelling with access and landscaping to be considered. The

application is supported by an indicative block plan which demonstrates how a dwelling could be sited and also shows the proposed landscaping.

- 4.3 The access to the site is an existing agricultural track. The site is presently used as a field for grazing livestock.

5. Relevant Planning History

- 5.1 OUT/2020/0016 - Outline application for one dwelling – Withdrawn – 13.11.2020

6. Representations

- 6.1. **Hatyon & Mealo Parish Council** – Hatyon and Mealo Parish Council oppose the application for the following reasons:-

1. The proposed development is outside of the defined village limit and is on a greenfield site in open countryside.
2. The new build development is not sympathetic to the Conservation Area status of the village.
3. Part of the proposed access is over the Registered Village Green and land not within the applicant's ownership and for which consent does not exist.

- 6.2 **Environmental Health** – No response to date.

- 6.3 **Cumbria Highways & LLFA** – I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

1) The development shall not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

2) The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3) Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to

development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

- 6.4 **United Utilities** – No objections subject to standard foul and surface water conditions being imposed
- 6.5 The application has been advertised in the local press, on site by means of a site notice and by neighbour letter. To date, 15 representations have been received; 1 of support and 14 of objection.
- 6.6 The letter of support refers to other properties access over the village green and being consistent.
- 6.7 The letters of objection are made on the following grounds;
- Negative impact on Conservation Area
 - Outside of settlement limit
 - Impact on Hadrian's Wall Buffer Zone
 - Increase in traffic and use of access
 - Potential overlooking
 - Impact on wildlife
 - Not infill or rounding off
 - Development would set a precedent
 - Effects on daylight of neighbouring property from proposed hedge
 - Loss of agricultural land
 - Loss of privacy & light
 - Access required over Parish Council land
 - Other more suitable sites within village
 - Does not continue residential boundary of village
 - Access over village green
 - Would change linear aspect of settlement
 - Impact on biodiversity
 - Questionable if road standards or utilities connections can be made given ownership of access road
 - Established rights of access over access road would lapse if use of land changed
 - Local need dwelling not achievable
 - No consent given for access to maintain hedge
 - Not in keeping with built landscape

7. Environmental Impact Assessment

- 7.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 7.2. The development does not within Schedule 1 nor 2 and, as such, is not EIA development.

8. Duties

8.1. For Listed Buildings:

Section 66(1) of the Listed Buildings Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.2. For conservation areas:

Section 72(1) of the Listed Building and Conservation Area Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9. Development Plan Policies

9.1 **Allerdale Local Plan Part 1 (2014)**

Policy S1 – Presumption in favour of sustainable development

Policy S2 – Sustainable development principles

Policy S3 – Spatial Strategy and Growth

Policy S4 – Design principles

Policy S5 – Development principles

Policy S9 – Rural Exceptions Sites

Policy S27 – Heritage Assets

Policy S28 – Hadrian's Wall World Heritage Site

Policy S29 – Flood Risk and Surface Water Drainage

Policy S32 – Safeguarding Amenity

DM14 – Standards of Good Design

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

10. Other material considerations

10.1 **National Planning Policy Framework (NPPF) (2021)**

10.2 **Council Strategy 2020-2030**

11. Policy weighting

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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 plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

12. Assessment

Principle of Development

- 12.1 The proposal site is situated within the village of Hayton which consists of residential development to either side of the highway through the village. To the North of the site is agricultural fields. It is just outside the designated Conservation Area however the proposed access to the site is within. The application seeks outline planning permission for the erection of one dwelling with access and landscaping details for consideration. The application is supported by an indicative block plan which demonstrates how a dwelling could be sited and also shows the proposed access (which is an existing agricultural track) and includes location of proposed hedgerows. The site is presently used as a field for grazing livestock.
- 12.2 Hayton is specified in the Local Plan Policy S3 as an Infill/Rounding Off Village. As outlined in the policy context section of this report, the determination of this application must be made in accordance with the adopted development plan unless material considerations indicate otherwise. Indeed this is reemphasised under the provisions of Paragraph 47 of the updated NPPF.
- 12.3 Local Plan policy S1 'Presumption in Favour of Sustainable Development' confirms that "the Council will take a positive approach in favour of sustainable development" and paying particular regard to scale.
- 12.4 Given the weighting outlined in the previous section of this report, there is a policy context which provides the ability for development of the scale proposed to be permitted if it is sustainable and accords with Policy S5's criteria.
- 12.5 Under the policy context of Policy S3 which seeks to resist non-essential development beyond locations that accord with S5's criteria, it is noted that no essential need has been submitted in support of the application. The merits of the principle of the development therefore fundamentally relate to whether, physically, the plot itself constitutes an infill or rounding off plot. It is the opinion of officers that this site does not fall into this category.

Design and Relationship to Village

- 12.6 As an outline application for a single dwelling, with only the means of access and landscaping to consider, there are no definitive details on the siting, appearance, layout and scale of the proposal with only an illustrative block plan submitted for consideration.
- 12.7 Policy S5 of the Allerdale Local plan emphasises within its design criteria that “development should be of a scale and design which will not detract from the character of the settlement”.

In specific reference to Infill/ rounding off villages it adds proposals should:-

- (i) Be of a scale that is sympathetic to the role of the settlement and respect its appearance and physical capacity;
- (ii) Be within or well related to the form of the settlement and to existing buildings within the settlement;
- (iii) Protect, maintain or enhance the local distinctiveness, character and landscape and historic setting of the settlement, and

Development within Infill/Rounding Off Villages must not;

- Result in the loss of important historic, green infrastructure or natural features which provide valuable local amenity
 - Exacerbate the adverse effects of ribbon development
 - Result in further adverse effects of areas of sporadic development in otherwise open countryside
 - Result in settlements joining together
- 12.8 The application is supported by a design and access statement which states the site is a rounding off of this part of the village with a strong boundary to the East, South and West and provides confirmation that the Northern boundary would continue the boundary of the adjacent dwelling, maintaining the residential character in the immediate area. Whilst officers appreciate these comments, the dwelling referred to faces onto, and is accessed directly from the public highway. The application site is set back from existing built development with the proposed access being from an agricultural track. Whilst there is a detached dwelling to the East of the site, again this is accessed from the adjacent public highway.
- 12.9 Officers have evaluated this supporting evidence in the context of the existing settlement. Hayton village/hamlet comprises of a small compact rural settlement with a mixture of agricultural and residential properties. The design and house types within the village are predominantly two storey dwellings, however properties to the South West of the village are single storey and consist of a combination of modern and traditional properties/buildings. However, overall, it retains a character of a traditional Cumbrian farming hamlet. A key characteristic is its linear settlement pattern which straddles each side of the road, albeit with large green areas to the front of properties on the South East side of the village.
- 12.10 The current proposal relates to the siting of one detached dwelling to the rear of an existing dwelling (Thorndykes). Officers consider that this development could

neither be called infill or rounding off and would result in a form of development which does not relate well to the village itself or the highway upon which it is developed around. Its incongruous position is poorly related to the settlement, undermining its distinctiveness and character contrary to the criteria of Policy S5 of the Allerdale Local Plan and the principle of the development is therefore considered unacceptable.

Highways

- 12.11 A speed survey has been submitted with the application as requested by Cumbria Highways. Following their assessment of the application and submitted speed survey, Cumbria Highways have advised they have no objections to the proposal subject to conditions being imposed as stated in the representations section of this report.
- 12.12 A section of the proposed access is over land not within the applicant's control. The relevant certificate has been completed and notice has been served upon the land owner in this respect. The proposal intends to utilise the existing field access over this land. The right of access is a civil matter.
- 12.13 Outwith the access is the areas of village greens which fall within the application proposals visibility splays. Although these areas of land are outside of the applicant's control, given parcels of land ownership by the Parish Council and the adjoining parcels of land forming part of Hayton Village Green, it is reasonable to assume that these areas of land will not be developed upon. Therefore taking account of this, and the visibility requirements for other properties within the immediate vicinity, it is considered that adequate access provision can be made for the proposal without resulting in detriment to highway safety.

Amenity

- 12.14 As an outline application, the loss of any amenity would be addressed as part of any future reserved matters application. However it is considered that the development site is of significant distance to neighbouring properties to overcome any potential amenity issues, dependent upon the proposed height and design of the dwelling.

Heritage

- 12.15 The site falls just outside of the Hayton Conservation Area, however the access road is within. The application site is located within Hadrian's Wall World Heritage Site Buffer Zone and is also adjacent to a Listed Building (The Congregational Chapel) directly to the right of the access track.
- 12.16 Policy S27 states only proposals which do not harm any positive qualities of the heritage asset(s) will be approved, unless there is a clear and convincing public benefit to the proposal that will outweigh the harm caused to the asset(s). Policy S28 further states that proposed development in the Hadrian's Wall World Heritage Site Buffer Zone should be assessed for its impact on the outstanding Universal Value of the World Heritage Site, and particularly on key views both into and out of it.

12.17 It is considered that a development of one residential dwelling could be achieved according with the aforementioned policies. However, given the application is for outline only, the design and siting of the proposed dwelling would be further considered against the policies during the determination of a reserved matters application. As the proposal utilises an existing track as its means of access it is considered the proposed development would not adversely impact on the setting of the listed building.

Local Occupancy

12.18 The application proposal has been amended to include the provision of a dwelling for local occupancy and the agent has provided confirmation of agreement to a condition being imposed on any grant of planning permission to this effect.

12.19 Policy S9 makes provision for Rural Exception Sites provided that;

a) The development will meet or assist in meeting an identified evidence based need for affordable housing in the area, which could not otherwise be met;

b) The site is well-related and sympathetic to the form and character of the settlement, demonstrates good design and allows accessibility to community services and facilities within it;

c) The scale is in keeping with the settlement's setting and its role in the hierarchy;

d) The site is considered to be the most suitable to meet the identified need;

e) The applicant enters into an appropriate legal agreement that ensures the accommodation will meet the need for local affordable housing in perpetuity.

12.20 This policy is to meet generic local housing need rather than those of individuals. No evidence has been submitted with the application to demonstrate the need of a local occupancy dwelling within the village of Hayton therefore little weight is given to this proposal. In addition to this, and the provision contained within Policy S9, officers advise that such an agreement would need to be by means of a S106 and would not only encompass local occupancy but also require it to be affordable. Given the lack of evidence for the need of such a dwelling, it could not be demonstrated that a S106 is either necessary or reasonable.

Drainage

12.21 A detailed drainage report has been submitted with the application which states that foul drainage will be connected to United Utilities sewer in accordance with Building Regulations and a S106 agreement with United Utilities. Surface water will be discharged to a soakaway to the rear of the proposed dwelling. Albeit no percolation tests have been submitted with the application, the drainage report refers to an existing watercourse to the north of the site which is within the applicant's ownership. Thus there is an established fall-back position and the drainage hierarchy details can be reserved by condition. The submitted drainage details are considered satisfactory and accord with Policy S29.

13 Conclusions

13.1 The location of the proposal is not considered to be either infill or rounding off due to its physical relationship to the existing village and, if approved, would constitute a departure to adopted local plan policy. The proposal is therefore contrary to policy S3 of the Allerdale Local Plan.

14 Recommendation

14.1 That the proposal be refused

Annex 1

Reasons

1. The site of the development is considered to constitute neither infill nor rounding off development, eroding the distinctive rural settlement character of the settlement features, pattern, identity and rural character of its locality and would be an incongruous development in this rural locality. The site is therefore not considered to be well related to the built environment. As such it is contrary to policies S1, S3 and S5 of the adopted Allerdale Local Plan Part 1 – 2014 and the provisions of the National Planning Policy Framework 2019.
2. The proposed development constitutes non-essential residential development in the open countryside and is not considered to qualify as an exception for housing outside of the settlement and contrary to Policy S3 of the Allerdale Local Plan Adopted July 2014.

