

Allerdale Borough Council

Outline Planning Consent Application OUT/2022/0026

Development Panel Report

Reference Number: OUT/2022/0026
Valid Date: 23/09/2022
Location: Land adjacent to Barnes Croft, Yearngill, Aspatria, Wigton CA7 3JX
Applicant: Mr Sharpe
Proposal: Outline application for proposed dormer (1.5 storey) dwelling and garage workshop including access and layout

RECOMMENDATION

Refuse

1. **Summary**

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	Yearngill is a very small hamlet, it does not have a settlement boundary and is not identified as a settlement for growth. The proposed dwelling does not meet the criteria set out within Policy S3. The approach taken by Policy S3 is to direct new housing to established and defined settlements at a proportionate scale in order to achieve a sustainable form of development and to provide protection to the open countryside. As such, the principle of housing at this location would be contrary to policy S3 of the ALP Part 1 and policy SA2 of the ALP Part 2.

2. **Proposal**

- 2.1 The application seeks outline permission consent for the construction of a detached dwelling and workshop with access and layout forming part of the outline consent.
- 2.2 The access is proposed in the south western corner of the site with the dwelling would be located on a similar building line as Barnes Croft with a linear workshop proposed along the eastern boundary.

2.3 The layout plans show a bungalow which would face onto the highway with a centrally located rear extension. The workshop is proposed to serve the applicants existing landscaping business.

2.4 The Plans for consideration are:

Location Plan 01003 Rev 4
Location Plan 01003 Rev 03
Block Plan 01001 Rev 067
Block Plan 01002 Rev 04
Design and Access Statement

3. Site

3.1 The application property comprises an agricultural field to the east of Barnes Croft, Yearngill. Yearngill is a small hamlet without a settlement boundary and as such the site is located within the open countryside. The site is located within Flood Zone 1. There are no heritage, ecological or landscape constraints.

4. Relevant Planning History

4.1 2/1980/0767 – Outline application for erection of bungalow - Refused

5. Representations

Weston Newton Parish Council

5.1. No Objection

Environmental Health

5.2. No objection subject to contamination risk assessment and construction management plan

Minerals and Waste

5.3 No objection – proposals would not impact the mineral safeguarding area

United Utilities

5.4 Comments provided regarding drainage hierarchy and connecting utilities.

Neighbouring comments

5.5 2 letters of objection have been received raising objection to the development of greenfield land, ribbon development and lack of need

6. Environmental Impact Assessment

- 6.1. With regards to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development does not fall within Schedule 1 nor 2 and, as such, is not EIA development.

7. Duties

- 7.1 Not applicable

8. Development Plan Policies

- 8.1 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
S14 – Rural Economy
S29 - Flood Risk and Surface Water Drainage Policy
S32 - Safeguarding Amenity Policy
DM14 - Standards of Good Design

- 8.2 Allerdale Local Plan Part 2 (2020)

Policy SA2 - Settlement Boundaries Policy
SA5 Housing Standards
Policy SA33 - Broadband Other Material Considerations
National Planning Policy Framework (NPPF) (2021)
Council Strategy 2020-2030

9. Other Material Considerations

- 9.1 National Planning Policy Framework (NPPF) (2021)
9.2 Council Strategy 2020-2030

10. Policy Weighting

- 10.1. 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.

11. Assessment

Principle

- 11.1 Policy S3 of the Allerdale Local Plan (Part 1) (adopted July 2014) (ALPP1) sets out the framework for development across the area. In order to achieve sustainable growth it seeks to direct the majority of new growth to Workington, as the principal centre, together with other key and local service centres. Beyond this a limited amount of growth is expected to take place in a number of identified villages. Part 2 of the Allerdale Local Plan (Part 1) (adopted July 2020) includes the adopted settlement limits for the towns and villages of the Borough, and policy SA2 specifies that there is a presumption in favour of sustainable development within the settlement boundaries as defined on the Policies Map. Proposals outside the settlement boundaries will be supported where it can be demonstrated that it complies with Policy S3 and other policies in the Local Plan.
- 11.2 Yearngill is a very small hamlet between Westnewton and Aspatria and does not have a settlement boundary and is not identified as a settlement for growth.
- 11.3 New development in such locations can only be supported where they meet one of the criteria specified at points a – j of Policy S3 of the Allerdale Local Plan (Part 1). Points (a) to (j) are:

Proposals outside of defined settlements will be limited to:

- a. Housing essential for rural workers in the operation of a rural based enterprise;
 - b. Housing following the rural exceptions policy;
 - c. An appropriate diversification of an existing agricultural or land based activity;
 - d. The optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - e. A recreation or tourism proposal requiring a countryside location;
 - f. Facilities essential to social and community needs;
 - g. The replacement of an existing dwelling;
 - h. A suitably scaled extension to an existing building;
 - i. The conversion or reuse of a suitable existing building;
 - j. Other development requiring a countryside location for technical or operational reasons.
- 11.4 The agent has provided confirmation that the applicant currently lives in and owns a property within Yearngill called “The Croft”, which is located approximately 94m to the west of the site. Confirmation was sought from the agent regarding the location of the applicants current landscaping workshop which is set out as a store in Blennerhasset and a further store at his home.
- 11.5 The agent claims that the proposals meet criteria “a” of Policy S3 as the dwelling would serve the applicant who runs a landscaping business and would be closer to the applicants small holding that extends to the fields to the north-east of the site.
- 11.6 However as already confirmed the applicant owns and occupies a residential dwelling less than 100m from the application site. Permission has previously been granted to extend this dwelling and constructed a double garage although it appears to not have been implemented.

11.7 As such it is considered that the proposals do not meet any of the criteria set out within Policy S3 and as such the principle of a new open market dwelling would not be supported at this location. The approach taken by Policy S3 is to direct new housing to established and defined settlements at a proportionate scale in order to achieve a sustainable form of development and to provide protection to the open countryside. This weighs significantly against the proposals. As such, the principle of housing at this location would be contrary to policy S3 of the ALP Part 1 and policy SA2 of the ALP Part 2.

11.8 The only other circumstances in which a new dwelling would be permitted in the open countryside are if you were able to demonstrate that the proposal constituted exceptional quality or innovative design of the dwelling. The National Planning Policy Framework (NPPF) at Paragraph 80 states that such a design should:

“avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it: - is truly outstanding, 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.

11.9 To prevent the sporadic development of housing in the open countryside nationally, the test for such development is set very high. Only a small number of dwellings nationwide are supported under this policy. The application documents provided do not meet the tests set by paragraph 80 of the NPPF. As such the principle of the development of an open market dwelling in this location is not supported by National or Local Planning Policy.

11.10 The applicant runs a landscaping business which is registered to their home address in Yearngill. The business appears to have been established since 2017. The main store in association with the business is located in Blennerhasset (6.4km) to the south east.

11.11 No business case or justification has been made regarding the essential need for a further dwelling/workshop in Yearngill to serve the applicant and their business. In addition, a landscaping business is not one that is limited to a rural worker and as such is not considered to meet criteria a of Policy S3.

11.12 Policy S14 supports the economic prosperity and sustainability of rural communities by enabling appropriately scaled economic development. In the open countryside new development will only be permitted where the proposal involves the appropriate re-use of rural buildings, or in the case of a 'live work' unit, as an extension to an existing dwelling or has a locational requirement, such as an equestrian development. It is understood that the business is already established and no evidence has been provided to support the need for a workshop in this rural greenfield location. The proposals are therefore contrary to Policy S14 of the Allerdale Local Plan Part 1.

Layout and the impact on the character of the area

11.13 The application site forms part of an agricultural field adjacent to the small hamlet of Yearngil. The site is a greenfield site bounded by mature hedging along the southern and eastern boundary. The boundary along the western side of the site is the boundary of the adjacent dwelling and to the north the site is open.

11.14 As an outline application for a single dwelling and detached workshop, with only the means of access and layout to consider, there are no definitive details on the appearance, landscaping or scale of the proposal with only an illustrative block plan submitted for consideration.

11.15 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". The submitted design and access statement set out that they consider the development to not form ribbon development by virtue of the hedge on the eastern boundary forming the natural limitations of the hamlet.

11.16 Yeargill comprises of a small compact hamlet. The design and house types within the village are a mixture of traditional 2 storey dwellings and single storey bungalows. A key characteristic is its linear settlement pattern which straddles each side of the road. The current proposal relates to the siting of one detached dwelling to the east of an existing dwelling (Barnes Croft). Officers consider that while the proposed dwelling follows a similar building line to that of Barnes Croft as the layout plan shows this would be a dormer bungalow with a detached workshop building running along the eastern boundary of the site. The proposals development would result in a form of development which does not relate well to the small hamlet or its position within the open countryside contrary to the criteria of Policy S5 of the Allerdale Local Plan and the principle of the development is therefore considered unacceptable.

Amenity/Odour

11.17 Policy S32 of the Allerdale Local Plan (Part 1), seeks to ensure that new housing is located where it will not result in poor living conditions for the occupiers as a result of air pollution, noise, smell, dust, vibration, light or other pollution. The National Planning Policy Framework (NPPF) also requires that new development should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

- 11.18 Whilst the proposal is submitted in outline and seeks to establish the principle of residential development on the site, whether the proposal would provide satisfactory living conditions for the future occupiers is fundamental to whether or not the principle is acceptable.
- 11.19 The proposed site lies adjacent to a detached bungalow. The application before us is outline, however the proposed layout of the site shows a detached dormer bungalow orientated to face the highway, which would result in the majority of openings located to the front and rear elevations and therefore the amenity of existing and future occupants could be protected from overlooking.
- 11.20 No details have been provided regarding the need or use of the workshop other than in conjunction with the applicants landscaping/contracting business. Given the proximity of the neighbouring dwellings there is a potential for impact on neighbouring amenity in relation to the potential operations that could be undertaken from the workshop. In considering the requirements of Local Plan policy S32 and the Framework, dust, odour and noise are fundamental issues that are required to be addressed. No details have been provided regarding the operations to be undertaken from the workshop and as such there is insufficient information to consider the potential impacts of the applicant's business operations on neighbouring amenity.

Highway and Parking

- 11.21 The application is for outline with means of access to be considered. The site access would be taken from within the 30mph limit onto the single width highway opposite the highways access to Sunnycroft. The development is considered acceptable in terms of layout, visibility splays and parking provision in relation to the residential element. However, no details have been provided regarding the workshop for the applicants landscaping/contracting business and the potential vehicle movements and types of vehicles associated with such workshop. As such there is insufficient information to consider the suitability of the proposed access and highway in relation to the proposed business element.

Drainage

- 11.22 The application form indicates that foul sewage would be disposed of via a package treatment plant with surface water to a sustainable drainage system. Officers consider an acceptable form of drainage could be achieved on the site, however in line with United Utilities comments it is recommended that a condition be attached requiring a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance be submitted prior to development commencing.

12 Conclusions

- 12.1 The proposals do not meet with any of the exemptions of Policy S3 of the Allerdale Local Plan. Insufficient information has been provided in relation to the essential need for a dwelling and workshop. In addition, insufficient information has been

provided regarding the operations of the workshop and the associated highway movements.

13 **Recommendation**

That the proposal be refused.

Reasons

1. The proposed development site is within the small group of buildings known as Yearngill. The development would only serve to further compact this small nucleated group of buildings with an adverse impact on settlement character. The application is contrary to Policies S1 S2 S3 and S5 of the Allerdale Local Plan (Part 1) Adopted 2014 and the revised NPPF 2021.
2. The proposed development is considered non-essential development in the open countryside with no proven need for a rural worker or to satisfy any other exception criteria within Policy S3. The application is contrary to Policies S3 of the Allerdale Local Plan (Part 1) Adopted 2014 and the revised NPPF 2021.
3. Insufficient information has been provided regarding the operations of the workshop and therefore the potential impacts on neighbouring amenity in relation to noise, dust and odour contrary to Policy S32 of the Allerdale Local Plan (Part 1) or the highway in relation to vehicle movements.

