

APPLICATION NO PA/2014/0943

APPLICANT Mr & Mrs N Empson

DEVELOPMENT Outline planning permission to erect a 3-bedroom detached chalet bungalow and garage block (with appearance, landscaping, layout and scale reserved for subsequent approval)

LOCATION Land adjacent to Farwold, Top Road, Worlaby

PARISH **WORLABY**

WARD Brigg and Wolds

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION **Refuse permission**

REASONS FOR REFERENCE TO COMMITTEE Agent request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 64 of Core Planning Principle 7 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

North Lincolnshire Local Plan: Policies DS1, RD2, LC11, T2, T6, T9, T19 and H8 apply.

North Lincolnshire Core Strategy: Policies CS1, CS3, CS5, CS7, CS18 and CS25 also apply.

CONSULTATIONS

Highways: Recommend conditions HC2, HC11, HC13 and HC17.

Historic Environment Record: The application site lies within an area of former medieval settlement where archaeological remains are anticipated. The HER has no objection subject to conditions securing a programme of archaeological monitoring and recording prior to and during construction work.

Environmental Health: Historical mapping data indicates that the site has, in the past, had unidentified buildings that may be related to farm works. Owing to the potential previous site uses the full suite of contaminated land investigation conditions are recommended.

PARISH COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified. Three letters of objection have been received raising the following issues:

- The siting and scale of the dwelling is unknown, therefore the impact on neighbouring properties cannot be determined.
- Other developments have changed in character and height between outline applications and subsequent reserved matters.
- The area is characterised by bungalows; a two-storey chalet bungalow may result in overlooking and be out of keeping.
- The draft Housing and Employment Land Allocations DPD shows that there is no need to extend the settlement boundary and allow further housing development in Worlaby.
- The council should maintain the stance that this area should be protected from development.
- The land is designated as an area of amenity importance and outside the settlement boundary for Worlaby.
- This is an open area which adds to the character and idiosyncratic nature of the village.
- There doesn't appear to be a shortage of housing within the village, reflected by the number of residential properties up for sale.
- The proposed dwelling should be re-orientated through 90° to prevent overlooking.
- The proposal is sited within metres of the objector's property (11a New Road).
- The re-orientation of the dwelling would further impact on the objector's property.

- Overlooking of neighbouring properties.

Three letters of support have also been received.

ASSESSMENT

A decision on this application was deferred by the meeting on 22 October 2014 for a committee site inspection.

The application site comprises an area of open garden land located to the south and west of residential properties along Main Street and Top Road. It is predominantly laid to grass and bordered by a low hedge and residential properties. It is accessed via the private driveway that serves a detached bungalow known as Farwold in the north-eastern corner; this access is taken from Top Road. The land is outside the settlement boundary for Worlaby and designated as an Area of Amenity Importance under policy LC11 of the North Lincolnshire Local Plan. This application seeks outline planning permission with all matters, except for means of access, reserved for subsequent consideration.

The main issue in the determination of this planning application is the principle of development.

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. The design and access statement states that the site is currently in garden use, outside the settlement boundary and within an area of amenity importance. For the purposes of clarification this site doesn't constitute an infill plot; it is an existing area of private garden located outside the settlement boundary for Worlaby. This is not a brownfield site, it is domestic garden which is designated as LC11 land as an Area of Amenity Importance.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need such as providing affordable housing.

The applicant's supporting statement states that the Core Strategy supports thriving communities in rural areas as does the NPPF in advocating sustainable development in rural areas, locating housing development where it maintains the vitality of rural communities.

The application site is located within the parish of Worlaby (albeit outside the defined settlement boundary), within walking and cycling distance of the limited community services which include a primary school, village hall and church. Community services such as a shop and public house (The Haymaker) are located within the next village of Bonby, located 1.3 miles to the north-west of the site. The nearest railway station is located in Barnetby, 4.3 miles from the site. In terms of accessing wider services it is considered that the site would necessitate the requirement for travel by private motor car. Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new

developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking and making sure that people have access to community and cultural facilities that they need for their daily lives. Due to the relative lack of local facilities within Worlaby the proposed development would not minimise the need to travel and would promote reliance on the private car to access everyday facilities. Therefore the development would be contrary to policy CS2. It should also be noted that sustainable development is the key emphasis of the NPPF, which sets out a presumption in favour of sustainable development. For the reasons outlined above the proposed development is not sustainable and would not benefit from this presumption in favour.

The supporting statement also makes reference to the LC11 (Area of Amenity Importance) land on which the dwelling is proposed. It states that the land doesn't form an important amenity area in the village as it cannot be seen from public land or roads, that parts of the LC11 designation have been built upon and that the LC11 designation is considered out of date. It is accepted that the area of LC11 land in the eastern part of Worlaby (formerly known as Hurds Farm) has been developed for housing and that the majority of the LC11 land on which this dwelling is proposed consists of garden land, laid to lawn. However it is not accepted that the LC11 designation in the North Lincolnshire Local Plan is out of date, indeed it is worth noting that the site is still shown to be designated as LC11 land and outside the settlement boundary within the Housing and Employment Land Allocations DPD Revised Submission Draft April 2014. Therefore policy LC11 is considered valid and relevant to this planning proposal.

Policy LC11 (Areas of Amenity Importance) of the North Lincolnshire Local Plan states that these areas of land include a multitude of areas in private ownership and could constitute land which may not necessarily be enjoyed as a public space but are identified purely for landscape or nature conservation reasons and contribute to local distinctiveness. Just because an area of LC11 land has previously been comprehensively developed for housing within Worlaby, it doesn't necessarily follow that the remainder of designated LC11 should be permitted for residential development. Indeed it is argued in this case that the proposed dwelling will erode this area of open space within Worlaby by reducing its sense of openness, thereby in turn adversely affecting its character, setting and local distinctiveness.

Other issues

The proposal is seeking outline planning permission for means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwelling and scale of the dwelling would be considered at reserved matters stage, the potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process.

RECOMMENDATION Refuse permission for the following reasons:

1.

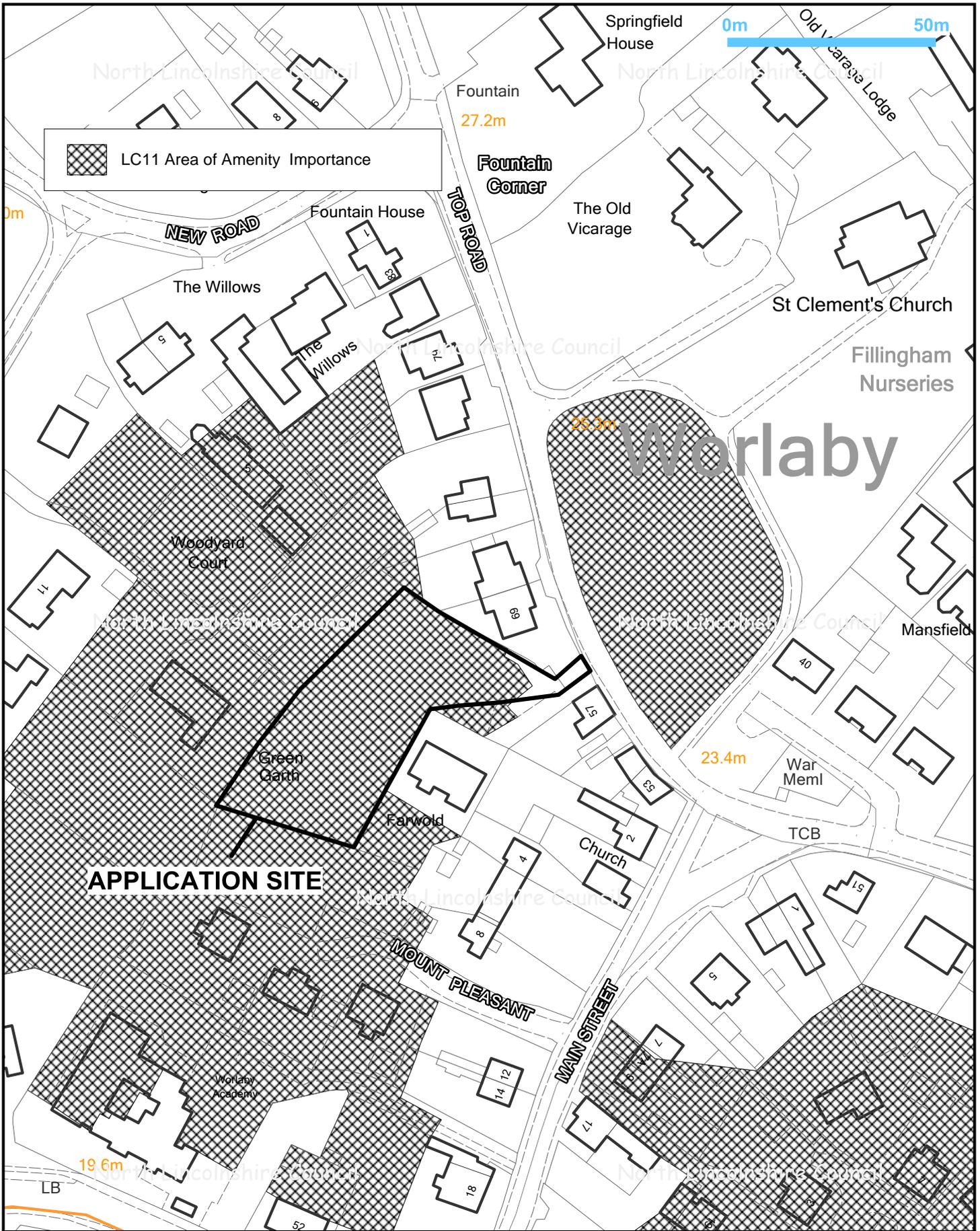
The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2, CS3 and CS8 of the North Lincolnshire Core Strategy and paragraph 55 of the National Planning Policy Framework in that the site lies outside of a defined settlement, in the open countryside and is located in an unsustainable location, remote from local services.

2.

Policy LC11 (Areas of Amenity Importance) of the North Lincolnshire Local Plan states that there are areas of land within a settlement which help to create local distinctiveness and spaces which are important to the character and setting of villages. The dwelling is proposed on an Area of Amenity Importance. It is considered that the proposed residential development would remove part of this Area of Amenity Importance, thereby adversely affecting the open character and setting of this part of Worlaby. The proposal is considered contrary to policy LC11 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

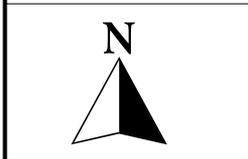


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Drawn by: Sue Barden

Date: 04/11/2014

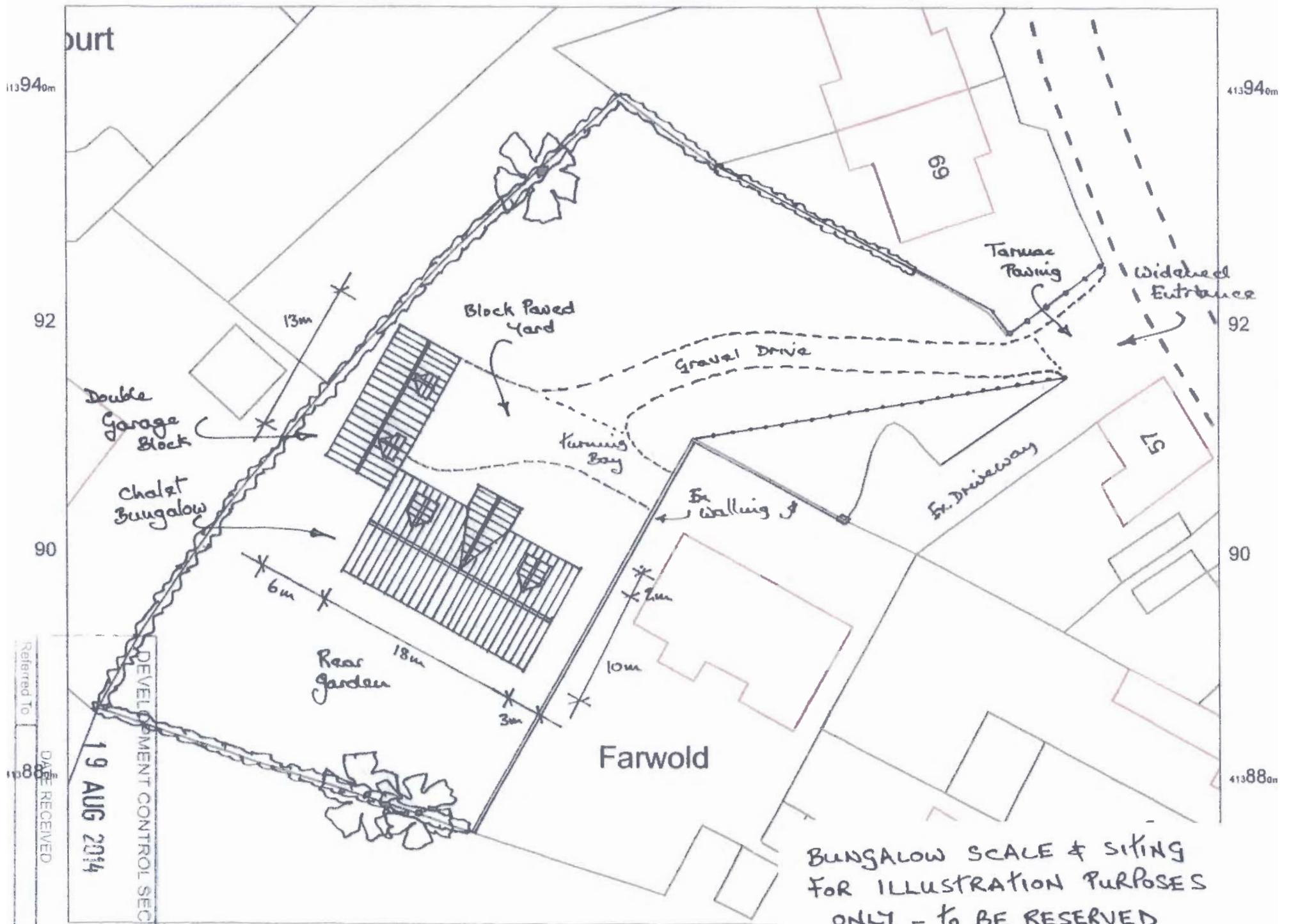
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Peter Williams
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Referred To: DATE RECEIVED