

**Case No.** 21/00172/REM

**Item No.03**

**Location:** Land Comprising OS Field 5419, Galphay Road, Kirkby Malzeard, North Yorkshire,

**Proposal:** Reserved matters application for the erection of 1 no. dwelling (Appearance, Landscaping, Layout and Scale considered) under Outline Permission 19/03477/OUT.

**Applicant:** Mr & Mrs Atkinson

### **SUMMARY**

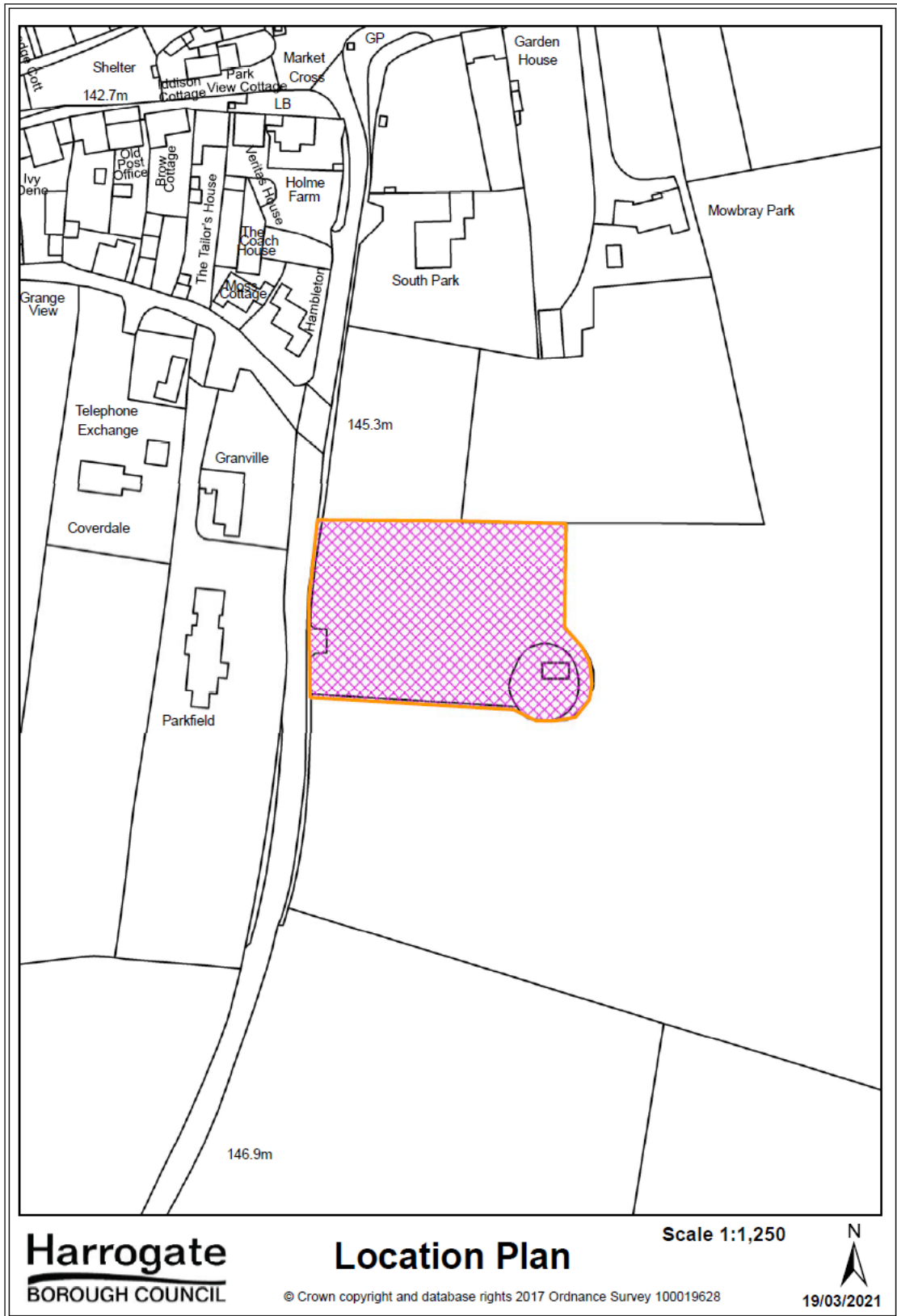
The layout and design of the proposed property is considered to be out of keeping with the local area and would have a detrimental impact on the character and appearance of the Nidderdale AONB. The proposed layout is also in conflict with Condition 10 of the outline planning consent to which this reserved matters relates. This would be contrary to Policies HP3; NE4 and GS6 of the local plan and Paragraph 172 of the NPPF.

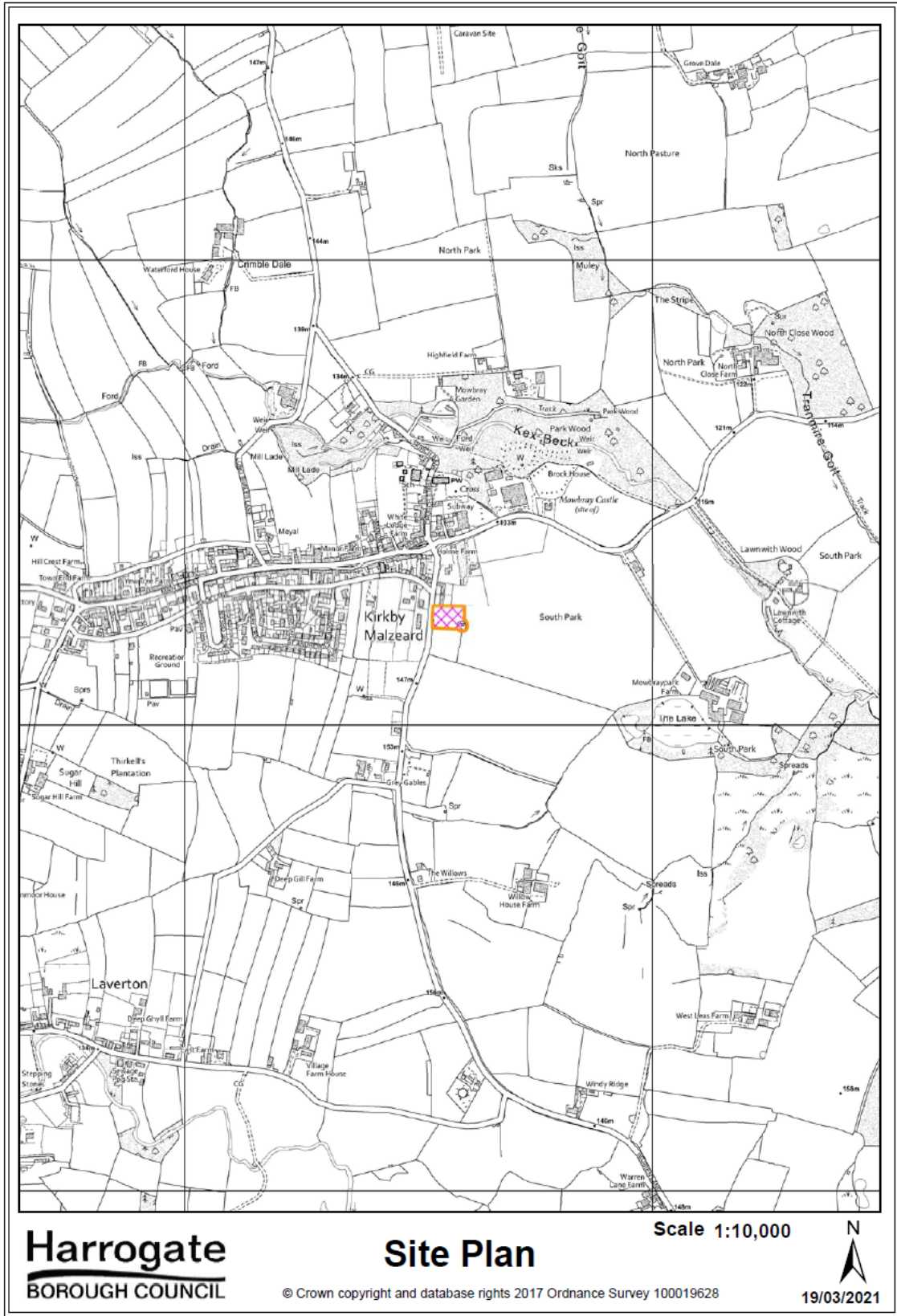
The proposed scale of the property would undermine condition 3 of the outline permission which restricts the property to that of an agricultural workers dwelling. A property of this size and scale is not commensurate with this type of dwelling, nor would it be affordable to future agricultural workers, and to approve such a dwelling would in fact be allowing open market housing in an area outside development limits, which would be contrary to Policy HS9 and GS3 of the Local plan; the Council's SPD 'Rural Workers Dwellings' and would undermine the Council's growth strategy as set out in the local plan.

The proposed landscaping scheme would lead to an extensive domestication of the site which would have an unacceptable impact on the landscape character of the area and would not create a biodiversity net gain, which would be contrary to Policies GS6, NE3 and NE4 of the local plan.

**RECOMMENDATION: Refuse**







## **1.0 PRELIMINARY MATTERS**

- 1.1 Access to the case file on Public Access can be found here:- [view file](#)
- 1.2 This application is to be presented to the Planning Committee as the applicant is a Member of the Council

## **2.0 MAIN ISSUES**

- 2.1 The main issues are:
- Scale
  - Layout
  - Appearance
  - Landscaping

## **3.0 ASSESSMENT**

- 3.1 The application seeks approval for the reserved matters of scale; layout; appearance and landscaping in relation to outline permission 19/03477/OUT for 1 no. dwelling. The site is outside development limits and was approved subject to conditions including an agricultural occupancy condition.
- 3.2 A reserved matters application was previously refused on the site for the following reasons:
1. *The scale of the development proposed and the level of accommodation proposed is not commensurate to that of an agricultural workers dwelling and would not be affordable to this market. Allowing this scale of development would in fact be allowing open market housing outside defined development limits which would be contrary to Policy GS3 of the Harrogate District Local Plan 2014-2035 Adopted 4th March 2020.*
  2. *The scale of the proposed formal garden area would have an adverse impact on the character and appearance of the Nidderdale AONB through the urbanised appearance that this would create. This would be contrary to Policies GS6 and NE4 of the Harrogate District Local Plan 2014-2035 Adopted 4th March 2020*

### **3.3 Scale**

- 3.4 The outline approval includes an agricultural workers condition. This condition is to ensure that any property built would meet the needs of an agricultural worker and thereby would be affordable to such a person. The site is outside development limits and therefore market housing is unacceptable in principle in this location.
- 3.5 Policy HS9 of the Local Plan sets out the requirements in relation to essential rural workers dwellings and includes the requirement of evidential need with regards to the size of the dwelling; that this should be of size commensurate with the established functional requirement and be capable of being sustained by the enterprise.
- 3.6 The Councils SPD 'Rural Workers Dwellings' has been out to public consultation and is now making progress towards adoption. Only a few comments were received and none related to the size of the dwelling set out with the policy and thus the document is considered to carry significant weight in the decision making process.
- 3.7 The SPD sets out the following:

*5.2 Dwellings which are unusually large in relation to the rural enterprise, or unusually expensive to construct in relation to the income it can sustain in the long term will not be permitted. It must be noted that the size of dwelling must be justified on the needs of the enterprise rather than the personal circumstances or aspirations of the applicant.*

*5.3 Local Plan Policy HS5 sets out minimum space standards to meet the Nationally Described Space Standard (NDSS) this should be used as a guide to establish the size of the dwelling. For example; a 2 bed 4 person dwelling would need to have a gross internal area of 79m<sup>2</sup> , a 3-bed 6 person dwelling would need to have a gross internal area of 102m<sup>2</sup> , increasing to 124m<sup>2</sup> for a 4-bed 8 person dwelling; the NDSS is recognised guidance to provide homes of sufficient size with the ability to adapt to changing lifestyles and family requirements over time and it is acknowledged that rural agricultural workers dwellings may require additional space such as a boot room, utility, ground floor shower room and / or internal storage depending on the nature of the holding. This must be based on the needs of the enterprise and cannot be based on the personal circumstances or aspirations of the applicant.*

*5.4 Where the proposal relates to a principle dwelling on a holding further space may be required to accommodate an office. However the size of the dwelling must be commensurate with the established functional need of the enterprise.*

5.5 *Any uplift in property size beyond the standards set out in the NDSS must be justified clearly, on a business basis, in respect of supporting the operational needs of the related enterprise and importantly demonstrate that it must be able to be financially sustained by the enterprise and in the long term continue to be financially accessible as a rural workers dwelling.*

5.6 *For avoidance of doubt, it is unlikely there would be support for additional living space over and above what is set out in the NDSS.*

3.8 In a recent Inspectors decision (APP/E2734/W/19/3232005 Planning Case No: 18/03534/FUL) the Inspector stated:

*I note the floorspace range of such properties is broadly between 100–200sqm, including enterprise-related elements such as an office, storage areas and a boot/utility room with a toilet and shower. From my experience, I consider this to be reasonable and about right.*

3.9 The proposal is for a four bedroomed dwelling with associated ensuite bathrooms to two bedrooms and a dressing room and balcony to also serve the master bedroom. The proposal includes a living room; dining room; kitchen; sunroom; utility/boot room; office; storage and two bay car port.

3.10 The submitted plans state that the floorspace would be 231sqm in total, however when scaled from the plans and including the car port; storage; porch and balcony this is in fact 276 sqm, and this figure does not include any room within the roofspace. The large roof void would also be available for storage and or future residential accommodation, if required.

3.11 The previous refused application also had a floorspace of 276sq m. The current proposal is therefore of the same scale as that previously refused and considerably larger than the NDSS of 124sq m.

3.12 No evidence has been provided as to why a four bedroomed dwelling is required or that this can be financially sustained by the farming enterprise. It is also noted that the applicant lives in an existing property only 25m away from the site.

3.13 It would not normally be considered to be necessary for an agricultural workers property to require the level of accommodation proposed and the Inspectors decision considered that a suitable level of accommodation including boot room; office; storage and parking can be provided within a floorspace of less than 200sq m. The Nationally Described Space Standards feel that 124sq metres is adequate.

3.14 Due to the level of accommodation to be provided it is extremely unlikely that such a property would be considered to be affordable to an agricultural worker and as such to approve such a development would in fact undermine

the condition attached to the outline approval, and in essence allow an open market house which could be severed from the land holding. This would be contrary to Policies HS9 and GS3 of the Councils Local Plan, and would undermine the Councils growth strategy.

### **3.15 Layout**

3.16 Condition 10 of outline consent 19/03477/OUT states :

3.17 *The developable area of the site shall not exceed beyond 25m from the northern boundary of the site. A plan showing the details of the proposed formal garden and enclosures shall be submitted for the approval of the Local Planning Authority prior to the occupation of the dwelling hereby approved and shall be maintained and retained as such for the lifetime of the development*

3.18 This condition was to ensure that the site was only developed in the area of the site that had the highest level of screening in terms of its visual impact and also to reduce the impact of a large formal garden and the resulting domestic paraphernalia that this would entail.

3.19 The layout provided does not comply with Condition 10 as although the property itself sits within the 25m delineation from the northern boundary, the layout of the driveway includes a large area of hardstanding which is situated outside the defined area. This increases the visual impact of the proposed changes to the site and extends the parking area to the southern boundary of the site. To allow the development of this area of the site would be in conflict with the outline approval.

3.20 The layout includes all of the application site within the proposed formal garden associated with the property and such a large garden area is considered to have a significant detrimental impact on the landscape character of the area through the urbanisation and domestication of the open countryside.

3.21 The layout of the proposed property is therefore considered to have a significant adverse impact on the landscape character of the AONB.

### **3.22 Appearance**

3.1 The design of the proposed dwelling shares some similarities with the neighbouring properties, however it differs in a number of areas. The proposed dwelling has a much greater roofscape than that of the neighbouring properties and there is no gap between the first floor windows and the eaves of the property. This would lead to an incongruous appearance in the streetscene which would increase the overall perception of the height and bulk of the proposed property.



- 3.2 The design of the property includes a number of ‘add-on’ elements to the main form of the dwelling including a side wing to form a sun roof; a rear element to form part of the kitchen and produce a first floor balcony; a porch and a front storage and car port area. The proposed design leads to a cluttered appearance of differing elements and roofslopes which would be highly visible when travelling along the highway from the south and along the nearby public right of way.
- 3.3 The Planning Inspector noted in his recent appeal decision refusing development on the site:
- 3.4 *‘I note the conclusions of the LVIA, but I consider that the development of the appeal site would have a detrimental effect on users of Galphay Road, and the public footpath, where views from over the Vale of Mowbray have not been affected to a great extent. Additionally, whilst there would still be a field between the appeal site and the Public Right of Way (PROW), the scheme would nevertheless bring residential development closer to the PROW, and the users of the PROW would see the harmful erosion of the open and undeveloped character of the site’.*
- 3.5 It is therefore highly important that the design of the property is in keeping with the local area and would not have an adverse visual impact to users of Galphay Road and the adjacent PROWs, and thereby the appearance of the AONB.
- 3.6 Landscaping**
- 3.7 The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 172 of the NPPF adds that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’.
- 3.8 Policy GS6 of the Local Plan addresses key principles for conservation of the AONB. Development which would have a significant adverse impact on the landscape will not be permitted. The highest standards of design will be required where development is permitted, which should reflect the local distinctiveness of the area.
- 3.9 Policy NE4 of the Local Plan advises that proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.
- 3.10 The adopted Landscape Character Assessment divides the district into 106 different character areas. The site lies in Area 35 ‘Kirkby Malzeard and

Grewelthorpe' it describes the area as "a beautiful, interesting and well-tended landscape". Under 'sensitivities and pressures' the guidance states "*The settings of the villages [Kirkby Malzeard and Grewelthorpe] are sensitive to change, which may result from development such as extensions to domestic curtilage and new building.*"

3.11 As stated previously Condition 10 of the outline approval states in part:

3.12 *A plan showing the details of the proposed formal garden and enclosures shall be submitted for the approval of the Local Planning Authority prior to the occupation of the dwelling hereby approved and shall be maintained and retained as such for the lifetime of the development*

3.13 The plan submitted shows the whole field to form the formal garden area to the property with details of boundary treatments which include the provision of a 'native hedge' however this is to be planted using 'Fergus sylvatica' (Beech) which is often used in more domestic landscapes and it is not considered that the proposed species would be the most appropriate in this location. A more suitable species mix such as hawthorn would increase the biodiversity of the site along with providing a more appropriate boundary to the edge of a rural settlement site.

3.14 The use of the whole field as a formal garden would have a significant landscape impact as this would lead to an urbanisation and domestication of the larger site, which would be highly visible from both the highway and the PROW. This would be detrimental to the character and appearance of the AONB.

3.15 It is considered that on a site as large as this there is sufficient scope to enable improvements to local biodiversity through additional planting, which would help to screen the development in the wider landscape. The proposal includes planting of 4 no. trees and the use of ornamental planting; however there would be an opportunity for large scale tree planting to both the eastern and southern boundaries with species such as Sycamore which would reduce the impact of the proposal on the wider landscape and increase the overall biodiversity of the site. To allow this scheme would be contrary to Policy NE3 (g) of the local plan which states:

*Proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported. This will be achieved by:*

*G) Requiring proposals to make use of opportunities to restore and recreate priority habitats and other natural habitats within development schemes.*

#### **4.0 PLANNING BALANCE AND CONCLUSION**

- 4.1 The application is to consider the matters reserved from outline approval 19/03477/OUT. Any reserved matters approval is read in conjunction with the outline consent and forms one permission for the site.
- 4.2 Condition 10 of the outline approval states that the developable site shall not exceed beyond 25m from the northern boundary of the site. The proposed plans show the driveway/parking area beyond this 25 metre limit and therefore to approve such a layout would mean that the reserved matters approval would conflict with the outline consent.
- 4.3 The layout and design of the proposed property is considered to be out of keeping with the local area and would have a detrimental impact on the character and appearance of the Nidderdale AONB being visible from both Galphay Road and the nearby PROW. This would be contrary to Policies HP3; NE4 and GS6 of the local plan and paragraph 172 of the NPPF.
- 4.4 The proposed scale of the property would undermine condition 3 of the outline permission which restricts the property to that of an agricultural workers dwelling. A property of this size and scale is not commensurate with this type of dwelling, nor would it be affordable to future agricultural workers, and to approve such a dwelling would in fact be allowing open market housing in an area outside development limits, which would be contrary to Policy HS9 and GS3 of the local plan; the Council's SPD 'Rural Workers Dwellings' and would undermine the Council's growth strategy as set out in the local plan.
- 4.5 The proposed landscaping scheme utilises the whole site as a formal garden area. To allow such a large formal garden area would lead to an extensive domestication of the site which would have an unacceptable impact on the landscape character of the area and would be contrary to Policies GS6 and NE4 of the local plan.
- 4.6 The landscaping scheme is not considered to provide a suitable planting mix and does not maximise the opportunities for improving biodiversity through a robust planting scheme. Which would be contrary to Policy NE3 of the local plan.

## **5.0 RECOMMENDATION**

- 5.1 That the application be **REFUSED**

## **6.0 REASONS FOR REFUSAL**

1. The proposed dwelling would have an adverse impact on the character and appearance of the AONB by nature of its overall massing and

design. This would be contrary to Policies HP3; NE4 and GS6 of the Local Plan and paragraph 172 of the NPPF.

2. The scale of the development proposed is not commensurate to that of an agricultural workers dwelling and would not be affordable to this market. Allowing this scale of development would in fact be allowing open market housing outside defined development limits which would be contrary to Local Plan Policies HS9 and GS3 and the guidance within the SPD 'Rural Workers Dwellings'.
3. The proposed layout does not meet and would be in breach of the criteria set out in Condition 10 of the outline approval to which this application relates, by virtue of the parking layout outside the agreed area of development.
4. The proposed landscaping scheme does not provide a suitable planting species and mix, nor does it maximise the opportunities for improving the visual appearance of the site or improving biodiversity within the site. This would be contrary to Policies NE3 and NE4 of the local plan.
5. The scale and layout of the proposed formal garden area would have an adverse impact on the character and appearance of the Nidderdale AONB through the urbanised appearance that this would create. This would be contrary to Policies GS6 and NE4 of the Local plan and paragraph 172 of the NPPF.

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***In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Chief Planner has delegated authority to do so in consultation with the Chairman of the Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.***

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## **APPENDICES**

### **7.0 Consultations**

7.1 Arboricultural Officer – recommends conditions in relation to RPA fencing

7.2 Natural England – no objections

### **8.0 Representations**

8.1 Two objections received – this land should have been protected due to its AONB status. The two new houses already constructed have disrupted an outstanding vista and further development will do so further. This is the 8<sup>th</sup> building applied for by this team without commuted sum or affordable housing. The scale of proposal not appropriate for an agricultural workers dwelling.

**9.0 Views of parish council**

9.1 The Parish Council does not wish to object or support the application but seeks safeguards in relation to the need for additional planting to provide screening particularly on eastern boundary; highway safety; concerns about future development on the site and concerns about the impact on the character and appearance of the AONB.

Case Emma Howson

Expiry Date: 15 March 2021

Officer: