

North Yorkshire Council

Community Development Services

Richmond (Yorks) Constituency Planning Committee

8th February 2024

ZD23/00612/OUT - Outline planning permission with all matters reserved for 12 no dwellings using previously approved accesses

At: land at Blewhouse Lane, Finghall, North Yorkshire

On behalf of: Mr and Mrs Blackburn

Report of the Corporate Director – Community Development Services

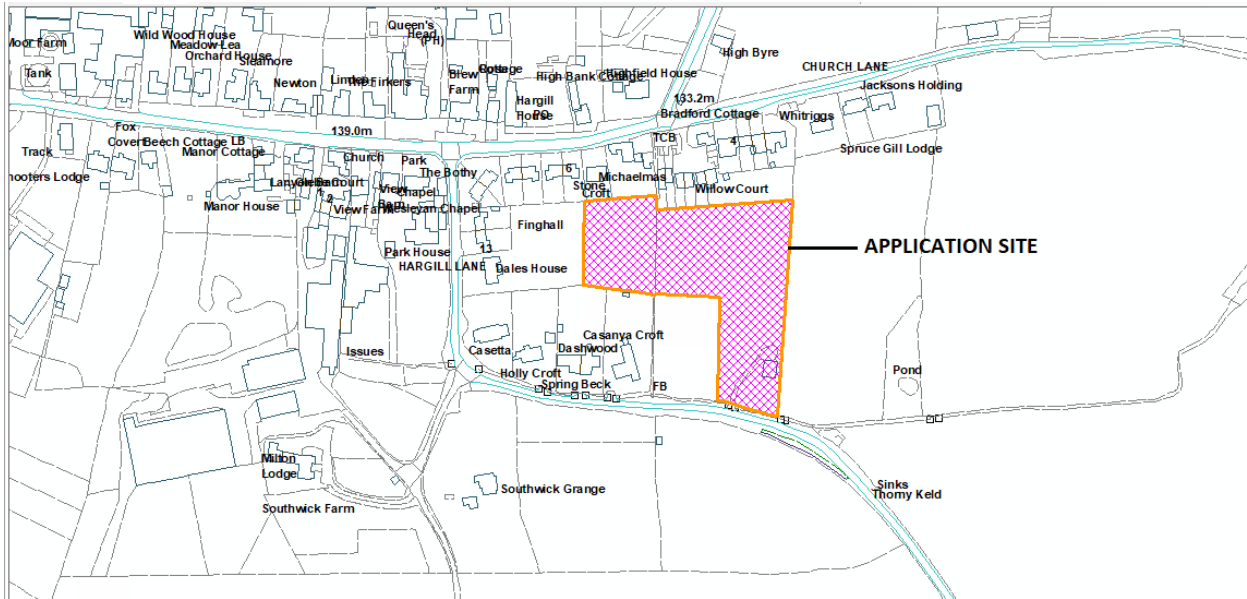
1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for outline planning permission with all matters reserved for 12 no dwellings using previously approved accesses on land at land at Blewhouse Lane Finghall North Yorkshire.
- 1.2 This application is brought to planning committee due to raising significant material planning considerations.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **REFUSED** for the reasons set out in section 12 of this report.

- 2.1 The application site is located predominantly outside but adjacent to the defined development limits of Finghall, a Secondary Service Village. A small section to the north is located inside/adjacent to the settlement limits. The minimum dwelling target for the village has been met, and in accordance with Policy CP4 should be considered on its merits.
- 2.2 It is considered that a moderate scheme of 12 dwellings in a secondary service village is proportionate to the existing village, services and facilities available. The location will not cause significant visual, landscape and amenity harm subject to conditions and the scheme if considered to be acceptable in principle.
- 2.3 No affordable housing or public open space is proposed; and technical reports for ecology, biodiversity, flood risk and drainage, highway safety and capacity, and trees and hedges have not been submitted as part of the application and thus it has not been possible to assess whether the development will be acceptable in regard to these important aspects which relate to the sustainability of the development. Therefore, refusal is recommended.



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Documents for reference ZD23/00612/OUT: Public Access](#)
- 3.2. During the course of the application, no additional or amended plans, documents or information have been submitted.
- 3.3. A small part of the southern leg of the application site and adjacent land to the west has planning permission for 3 houses as detailed below. Two of these have subsequently been built.

17/00790/OUT -Outline Application With Some Matters Reserved for Three Detached Dwellings with New Access to Respective Plots - Approved 13.9.18

20/00537/AORM - Approval of Reserved Matters Application Following Outline Approval of Planning Permission 17/00790/OUT for Details of Appearance, Landscaping, Layout and Scale (as Amended by Revised Drawings Received 16th October 2020) – Approved 20.11.20

21/00559/FULL - Full Planning Permission to Increase the Area of Curtilage to the New Dwelling at Plot 3 and for alterations to the layout of the new dwelling at Plot 3, Previously Approved Reference 17/00790/OUT and 20/00537/AORM and Provide 2 Accesses off the Highway to Improve Traffic Safety – Approved 31.8.21

4.0 SITE AND SURROUNDINGS

- 4.1. The application site is located to the north of Blewhouse Lane where it is accessed from, on the south east edge of Finghall. It is a 0.93ha agricultural grazing/paddock land. There is an

existing small agricultural building within the south east corner of the application site which is accessed from Blewhouse Lane. It is understood that this agricultural building is owned by the applicant and the proposal would see its removal to make way for access into the site. A ditch/culvert runs to the north side of Blewhouse Lane between the highway which would dissect the access to the application site. There is a mix of trees and hedging which bounds the southern edge of the field. The land rises gradually south to north (front to rear) towards the village. The field is bound by existing dwellings to the north, west and south. There are two dwellings (plot 1 and plot 2) adjacent to the western boundary of the application site which were approved as part of application ref: 20/00537/AORM. The application site is visible from Blewhouse Lane to the south-east, the east and is visible from a Public Footpath to the west which runs south-north, through the application site.

- 4.2. The settlement of Finghall is located in the Lower Wensleydale Sub Area of the former Richmondshire district and is, for the purposes of classification, clustered with Harmby and Spennithorne as a Secondary Service Village within the Settlement Hierarchy of the adopted Local Plan. The market towns of Leyburn and Bedale are located circa 5 miles to the west and 6.5 miles to the east.
- 4.3. The settlement has a population of 166 (Census, 2021 which includes Akebar) and benefits from a public house/hotel and a Methodist Church. There is a bus service, the 155 which runs regularly, ever 60-115 minutes from the larger settlements of Leyburn and Bedale.
- 4.4. The site is not located within or adjacent to Finghall Conservation Area, being located approximately 47m from it, from its nearest point. The site is located within Flood Zone 1. There are no listed buildings or protected trees on the site.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks outline planning permission for the erection of 12 dwellings with all matters reserved. The Proposed Site Plan (Drawing no. 2047-418-00-XX-DR-A-1600 Rev: P01) provides an indicative site layout for the proposed scheme. The proposal's Combined Planning, Design and Access Statement, Nov 2023 states that 4 of the 12 proposed dwellings would include local occupancy clauses.
- 5.2. Design, scale and massing details are not included in the application, the intention being to have these points approved via a reserved matters application. The application does however confirm that it is the intention to adhere to the local vernacular, using predominately natural stone and mix of concrete and pan tiles.
- 5.3. No information has been provided in terms of affordable housing.
- 5.4. Whilst details of access is not sought, the proposed site plan and supporting planning statement confirms the intention is that that a previously approved access to the site (21/00559/FULL) would be utilised. The previously approved access is indicatively shown to provide access to one of the proposed dwellings to the south of the site, in the location of plot 3 of the previously approved application 17/00790/OUT and 20/00537/AORM. A second access is indicatively proposed adjacent, allowing access into the site for the remaining 11 dwellings.
- 5.5. The public footpath has been incorporated into the development to provide a link through it.
- 5.6. The planning statement illustrates one possible layout for the site including the amenity space for each plot and new tree planting.

6.0 PLANNING POLICY AND GUIDANCE

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

7.1. The following consultation responses have been received and have been summarised below.

7.2. Parish Council: The Parish Council supports the concerns of many villagers:

Blewhouse Lane is a small lane that struggles with the traffic from domestic houses, farm vehicles, horse users and pedestrians. Verges are damaged and the state of the road when heavy rains fall makes it inaccessible for pedestrians. The proposal would increase traffic, posing a risk to road users.

The site is agricultural, with an open outlook for 27 properties that overlook it. The proposed would damage the outlook and the privacy of existing properties in rural setting.

Concern was raised regarding flora and fauna that the field and the barn support.

There are no amenities in the village for families other than the pub. Public transport is limited so occupants of these houses will need support to access education, the NHS and domestic needs.

The Parish Council acknowledges that this is outline planning application but the layout shows identically shaped houses. The village is partly conserved and all dwellings in the village are unique. The density of the application and the lack of architectural diversity would not enhance the village.

Concern was raised over the number of new houses already approved in the village and the concept of creeping development.

The Parish Council expects that these factors of:

Population and human health

Biodiversity with particular attention to species and protected habitats

Land, soil, water, air and climate

Material assets, cultural heritage and the landscapes and

The interaction between any of these will all be fully researched and the conclusions fully disclosed and made available to the villagers for further comment before any further decisions are made. Many of the objections raised fall into these areas.

The Parish Council would also highlight that the local plan allocation of new houses for Finghall has already been exceeded.

The Parish Council also requests that this application -as it falls into the large development category- is taken to full planning committee.

The Parish Council registers its strong objections to this proposal and would strongly recommend a refusal of this planning application.

- 7.3 Ward Member(s): No comments received.
- 7.4 Climate Change Officer: No comments received.
- 7.5 Designing Out Crime Officer: Proposed access is suitable and general layout is to be commended. Public right of way should be made wide so that it is attractive to users. The proposed in-curtilage parking is acceptable. Lighting should be located away from trees to prevent obscuring. Road and public right of way should comply with British Standards.
- 7.6 Education Department: No financial contribution required.
- 7.7 Environmental Health: have considered the likelihood that the proposed development will cause a nuisance to neighbouring properties and consider that the impact will be low. Should permission be granted, an assessment of the risk from contaminated land should be sought via condition, including a condition protecting from noise and dust as a result of construction work and traffic.
- 7.8 Environment Agency: No comments received.
- 7.9 Fleet and Operations NYC: No comments received.
- 7.10 Highways NYC: Whilst it is accepted that the principle of the eastern most vehicular access has been consented previously, this was given in relation to an application which would have seen it used as an access for a single residential property. In view of the proposed revised size of the development, the culverting of the beck will need to be designed and constructed to an adoptable standard with the design being subject to Highways design check technical approval procedure. A Commuted Sum payment to cover future inspections and maintenance will also be payable.

In a similar manner to the above, as the current application seeks to use the easternmost vehicular access as the sole point of entry / exit for an enlarged residential development then Visibility Splays will need to be demonstrated. Concern raised over the characteristics of Blewhouse Lane with specific regard to potential safety issues for pedestrians and other non-motorised users of the Highway and the potential for enhanced conflict between motorised vehicles travelling in opposing directions which may be exacerbated by traffic associated with the proposed development.

Details of proposed measures in order to mitigate this concern should be provided. A basic Transport Statement could be provided giving particular emphasis to the level of vehicular traffic that will be expected to pass to and from the development site during the morning and afternoon peak hours.

- 7.11 Lead Local Flood Authority: The applicant has not provided a strategy for managing the increased surface water from the impermeable area post development in accordance with the SuDS Drainage Hierarchy. Details of peak runoff rate from the developed site has not been provided. Micro Drainage calculations are needed to confirm the required surface water attenuation volume. We would expect to see a detailed exceedance flow routes map. A maintenance and management plan has not been submitted. Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site. An allowance must be made in SuDS design for increased amounts of rainfall as a result of Climate Change. The submitted documents are limited and the LLFA recommends that the applicant provides further information as detailed above before our objection may be overturned and any planning permission is granted by the LPA.
- 7.12 NHS: No comments received.
- 7.13 Public Rights of Way Officer: A Public Right of Way runs through the site and so appropriate permission will need to be sought if it is to be permanently or temporarily affected in any way, physically.
- 7.14 Yorkshire Water: A water supply can be provided to this site. Should permission be granted, a satisfactory outfall should be secured by condition. Several public foul water sewers are located under the proposal site. These should be taken into account by the design of the scheme in terms of its layout, levels and the retention of access to inspection chambers.
- 7.15 Byways and Bridleways Trust: No comments received.
- 7.16 CPRE North East and Yorkshire: Objects to the proposal at this countryside location for outline development of 12 market dwellings accessed via Blewhouse Lane, Finghall. CPRENEY consider the proposal to be contrary to both local and national policies for the following reasons: the proposal is within the open countryside, outside of the development limits of Finghall in the adopted Local Plan; The detrimental impact on users of the PROW; The lack of proposed Biodiversity Net Gain; The impact on vulnerable users of the rural local road network; And, the lack of provision in affordable housing.
- 7.17 Ramblers Association: No comments received.
- 7.18 Yorkshire Wildlife Trust: No comments received.
- 7.19 46 local representations have been received of which all 46 are objecting to the proposal. A summary of the comments is provided below, however, please see website for full comments.
- Lack of information, particularly in terms of design and scale.
 - The proposal is not inkeeping with Finghall's character.
 - Invasion of privacy to rear of adjoining dwellings.
 - Intensification of traffic at proposed access is not appropriate.
 - Pedestrian safety is poor as existing.
 - Existing road cannot cope with current rainfall, regular flooding of road. More hard standing would result in increased road flooding.
 - Water table issues with the two new houses on this area of land
 - There are no local services to support these dwellings.
 - The addition of more properties and streetlights will increase village light levels.
 - More properties would result in lower mains water pressure.
 - The current sewage system is already over-stretched.
 - Ecology concerns for flora and fauna
 - Landscape value would be eroded.

- Area has exceeded its new housing quota.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Highways and Access
- Housing Mix
- Affordable Housing
- Public Open Spaces
- Drainage and Flooding
- Contamination and Noise
- Residential Amenity
- Heritage and Archaeology
- Landscape Impact
- Protected Species, Biodiversity Net Gain and Trees
- Energy Efficiency
- Infrastructure
- Density
- The Public Sector Equality Duty

10.0 ASSESSMENT

Principle of Development

- 10.1. The council has a 5-year land supply and therefore the 'titled balance' is not applied.
- 10.2. Spatial Principle SP2 (Settlement Hierarchy) classifies Finghall as a Secondary Service Village, with these settlements being defined as 'Settlements with fewer services that support the needs and sustainability of rural communities'.
- 10.3. Spatial Principle SP4 (Scale and Distribution of Housing Development) then goes on to set out the scale and distribution of housing development, specifically that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 12% will be in the Lower Wensleydale Sub Area where the site is located. Secondary Service Villages in the Lower Wensleydale Sub Area (the cluster of Finghall-Harmby-Spennithorne and Hunton) are to accommodate 1.5% of all housing growth, with this equating to at least 45 dwellings within the plan period which runs to 2028. It is important to note that this figure is the minimum target not the maximum or limit. To date permission has been granted for 38 dwellings in the cluster of Finghall-Harmby-Spennithorne (14 in Finghall alone) and a total of 24 in Hunton, in total amounting to 62 dwellings in this area. There is also a further live application seeking planning permission for 15 units in Hunton (23/00085/OUT). Please note that this figure relates to permissions granted as opposed to actual completions. The Council's Annual Monitoring Report October 2021 details that the target has been met in the Lower Wensleydale Secondary Service Villages, with 45 net completions in this area noted.
- 10.4. Policy SP4 supporting text advises that *"The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward - they will*

be considered on their merits". Appeal decision reference APP/V2723/W/23/3317682 allowed on 10th November 2023 for the same ADP area set out that the fact the housing figures for the appeal village had been exceeded, this would not itself represent a reason to dismiss the appeal. Instead the Inspector noted that Policy CP4 supports development this is of a scale and nature appropriate to secure sustainability of settlements in the defined development limits of the settlement, where deliverable opportunities do not exist within those limits.

- 10.5. For this specific site and proposal it is considered the following are the key factors to consider in the developments merits: (a) is the location suitable; (b) can existing infrastructure accommodate the development; (c) housing numbers in the settlement/ proportion of development; and (d) land use. These key issues are discussed here in the principle of development sub-section.

(a) is the location suitable

- 10.6 The application site is located predominantly outside of the defined development limits of Finghall. A small section to the north is located inside/adjacent to the settlement limits. Core Policy CP4 (Supporting Sites for Development) states that the location of any development proposal *'should be in, or if deliverable opportunities do not exist within, adjacent to the settlements Development Limits as defined on the Local Plan 1999-2006 Proposals Map or main built up confines where they do not exist'*. An appeal was recently determined (20/10/2022) at Southwick Grange, Finghall (Appeal Reference: APP/V2723/W/22/3300410) which allowed outline consent of the development of a site which had been refused on the basis that *'The application site is located outside the settlement boundary of Finghall and not adjacent to it. Therefore, the proposal would represent unacceptable development in the open countryside, with no justification to demonstrate that a countryside location is required for the proposed dwellings'*. The Inspector concluded that *'The site is located south of the settlement's development limit and does not share a common boundary with it. Some neighbouring buildings are also beyond the settlement limit. However, with other buildings so close-by and situated farther south still, the development would not extend the built form of the settlement farther into the countryside in this direction. The proposal would, instead, develop a gap amidst other buildings'*. In this respect, and when considering this approach to adopted policy, the subject application site shares a common boundary with the defined Development Limits would not extend the built form of the settlement further into the countryside, given the existing buildings and residential dwellings to the south and north.

- 10.7 Similarly to the appeal site, the development would be seen in the context of the built extents of the village and would be read as part of the village once complete. It is acknowledged that the development would result in the loss of a greenfield site which does have some intrinsic value but the resultant level of harm would be low and localised, the same as the appeal site. As such, the development of this application site would constitute an acceptable incremental addition adjacent to the settlement. On this basis, the location of the site is considered acceptable.

(b) can existing infrastructure accommodate the development

- 10.8 The LLFA and NYC Highways have stated that due to a lack of information, they are unable to fully assess the appropriateness of the scheme. Without this information, it is not possible to fully assess whether the site can be supported by existing infrastructure. NYC Education have assessed the proposal and have requested zero financial contribution to support local education establishments. The NHS have made no comments and Yorkshire Water have no objections to the application whilst confirming that the layout of the site is, in part, tied to existing sewer infrastructure. The site is within a comfortable walking distance to the bus

service stops, pub and church, this further enhanced by the existing public right of way running through the site.

(c) housing numbers in the settlement/ proportion of development

- 10.9 As set out in paragraph 4.4, the settlement of Finghall has a population of circa 166 (Census, 2021) and benefits from a regular bus service, a public house/hotel and a Methodist Church. It is considered that a development of 12 dwellings in addition to the already approved 14 is proportionate to the settlement and not 'excessive' or 'disproportionate' to the villages existing size, form, character and services and facilities.

(d) land use

- 10.10 Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. There are limited brownfield sites within the settlement of Finghall and of those that are there, these are considered unlikely to come forward in the near future given there is no live planning applications.
- 10.11 In summary, as detailed in paragraph 10.3 it is acknowledged that the minimum target of 45 dwellings within the plan period which runs to 2028 has been met and exceeded. Paragraph 10.4 then goes on to advise that a managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward, with these considered on their merits. As per paragraph 10.6 it is found that the site location is acceptable.
- 10.12 Paragraph 10.7 explains that due to a lack of supporting information, it is not clear if the site is suitable from a highways and drainage/ flood management perspective. The proposed development provides for 4 local need dwellings, but it does not provide any details of on-site affordable housing contribution. It is considered that the existing public services and public footpath linkages can sufficiently accommodate this level of development.
- 10.13 It is considered therefore that the proposal has potential to be suitable, sustainable and deliverable but is missing key technical information for a full assessment to be made. Ultimately, all the positives and negatives of the scheme need to be weighed up in the planning balance which is provided at the end of the assessment at Section 11 of this report.

Highways and Access

- 10.14 Access is a reserved matter, however, to approve the application it needs to be demonstrated that there is at least one way the application can be safely accessed and that the road network can accommodate the development. The indicative access to the site is shown from two new access points off Blewhouse Lane. The first feeding into one plot and adjacent, a second serving the remaining 11 dwellings.
- 10.15 NYC Highways have raised concerns over the safety of Blewhouse Lane and lack of information to assess the indicative accesses. To facilitate an assessment of the proposal and to address concerns over the appropriateness/ impact of the scheme upon Blewhouse Lane, a Measured Access Plan with visibility splays and a Transport Assessment would be needed.
- 10.16 NPPF paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For this proposal, it is not possible to clarify if these thresholds have been met as the necessary technical information has not been submitted.

10.17 Therefore the proposal is not in accordance with adopted Local Plan Policy CP4 and paragraph 115 of the NPPF.

Housing Mix

10.18 Core Policy CP5 expects proposals for housing to take into account local housing requirements across all sectors of the community in terms of size, type and tenure, and also the accessibility and adaptability of dwellings.

10.19 The Council's latest Strategic Housing Market Assessment (SHMA) 2019 gives a steer on housing needs. This report advises the mix of dwellings: 1- bedroom 9.2%, 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%). It is considered that a scheme of 12 houses has scope for a suitable housing mix and this could be conditioned and would thus comply with Policy CP5.

Affordable Housing

10.21 Core Policy CP6 seeks affordable housing in all developments where there is a net gain in dwellings, the contribution, ideally being met on site. In the Lower Wensleydale Sub-Area the expected contribution is set at 40% affordable housing. This would equate to the provision of 4.8 (5 actual) affordable units. No affordable housing contribution has been put forward as part of the proposal and so the proposal is not in accordance with Policy CP6. No viability evidence has been submitted.

10.22 The application proposes 4 units with local occupancy clauses, however, the Council does not have a policy preventing second home ownership and in this respect would unlikely be reasonable to secure this via S106. Furthermore, it would not be reasonable to stop new persons moving into market dwelling as their primary home so they can live and work in the locality.

Public Open Spaces

10.23 Core Policy CP11 requires that new developments provide sufficient quality recreational facilities, including formal and informal, equipped and unequipped areas for open space, sport and recreation and links to Public Rights of Way. Where on-site provision is not possible or appropriate, a contribution towards enhancement of existing facilities will be sought. For the purposes of applying CP11, the current minimum national standard is set out in Fields in Trust (FiT) "Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020" (FiT 2020 Guidance).

10.24 No public open space information has been put forward as part of the application and zero provision conflicts with the requirements of Policy CP11.

Drainage and Flooding

10.25 Local Plan Policy CP3 supports sustainable development that seek to mitigate the effects of flooding. Paragraph 173 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. The site is located within Flood Risk Zone 1 and so is the lowest at risk of flooding from rivers and seas. The area around the beck at the south of the site is at risk of surface water flooding localised flooding in and around the beck has occurred.

10.26 Flood Risk Assessments and (indicative) drainage strategies are required for major housing applications to demonstrate that the new properties would not be at risk of flooding and that there will be no increased risk of flooding off site. No such Flood Risk Assessment Drainage Strategy has been submitted and so an assessment cannot be made. The LLFA reflects this in the comments (para. 7.9).

10.27 For the reasons set out above, the proposal does not meet the requirements of Local Plan Policy CP3 nor paragraph 173 of the NPPF.

Contamination and Noise

- 10.28 Environmental Health have considered the application and conclude that the site is at low risk from contamination. They have recommended that should the scheme be approved; a condition be included with any permission requiring remediation of any unexpected contamination found during the development. Additionally, to protect adjacent dwellings from noise and dust during construction, a Construction Management Plan should be submitted as part of any approval. Additionally, a condition controlling hours of operation is also recommended.
- 10.29 Overall, it is considered that the, the proposal would accord with adopted Local Plan Policy CP3 in this respect.

Residential Amenity

- 10.30 Dwellings are located to the north, west and south of the site. Environmental Health have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties to be low. The proposal being an outline application, specific details such as location, orientation and design would be considered as part of a reserved matters application. That being said, the application's Planning Statements indicates the intended use of soft landscaping and 1.8m fencing to protect privacy between existing and proposed dwellings. Furthermore, the indicative layout proposed demonstrates a layout of 12 dwellings that provided for generous separation distances between existing and proposed dwellings.
- 10.31 It is considered that subject to any forthcoming reserved matters of landscaping, design, layout, location and orientation, the site is capable of providing a scheme of 12 houses that would not adversely affect the outlook or privacy of any residents: either within existing dwellings or the proposed units. Site sections and levels information would be required with the reserved matters application to ensure privacy levels are appropriate. The proposal is considered to meet the requirements of Local Plan policy CP4 in this regard.

Heritage and Archaeology

- 10.32 The proposed development is not within or adjacent to the Finghall Conservation Area and is sufficiently separated from the nearest Listed Buildings as to not materially affect their respective settings. Archaeology comments have not been received and an update on this aspect will be provided in the Update List. The proposal accords with both the Framework and adopted Local Plan policies CP3, CP4 and CP12 in this regard.

Landscape Impact

- 10.33 The site itself is paddock/agricultural grassland which, to the east looks out onto further agricultural land, broken up by trees and hedges with housing to its north, west and south. Seen from outside of the village, the proposal would be within the context and backdrop of the village and would be softened by the aforementioned trees and hedges. The indicative layout shows planting to the eastern boundary demonstrating that a suitable landscaping buffer could be achieved. The proposed density is low and therefore will not appear out of character with an edge of village location. It is therefore considered that the proposal could successfully incorporate into the village and will have limited harm to the approach to the village, visual amenity and landscape character.
- 10.34 Levels would need to be agreed at reserved matters stage to ensure the new dwellings are not built up to the detriment to the visual approach and character of the village. Likewise, bungalow and/or one and half storey dwellings may be required to facilitate an appropriate transition between the countryside and village.
- 10.35 For the reasons set out above, the proposal meets the requirements of Local Plan Policy CP3 subject to conditions.

Protected Species, Biodiversity Net Gain and Trees

- 10.36 Local plan Policies CP3 and CP4 support proposals that promote and seek to protect biodiversity. NPPF paragraph 180 advises planning decisions should minimise impacts on and providing net gains for biodiversity; and paragraph 186 advises local authorities if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The NPPG: Prepare a planning proposal to avoid harm or disturbance to protected species advises that “The LPA can refuse planning permission if the surveys:... do not provide enough evidence for them to assess the likely impact on the species and its supporting habitat”. Under The Conservation of Habitats and Species Regulations 2017 Local Planning Authorities have a duty to assess whether a development proposal would breach the Habitats Regulations with regard to protected species.
- 10.37 It was noted at the Officer’s site visit that the site has potential to support important habitats and protected species (field, hedges, trees and beck). The application does not include an Ecology Report so it is not possible to assess these key factors including potential presence of protected species.
- 10.38 With regards to Biodiversity Net Gain, no BNG Report or Defra metric calculation has been submitted as part of the application. Paragraph 180 d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Without information on biodiversity loss, mitigation and enhancement, it is not possible to assess this key factor.
- 10.39 There are no TPO trees within the site, nor is it located within a Conservation Area. However, there are a number of trees within and bordering the site. No Tree Survey, Arboricultural Impact Assessment or Tree Protection Plan has been submitted. It is thus not possible to assess if the proposal would detrimentally impact/compromise any good quality existing trees and hedgerows on or adjacent to the site. For the reasons set out above, it is considered that the proposal does not accord with policies CP3, CP4, CP12 and paragraph 180 d) of the NPPF.

Energy Efficiency

- 10.40 As the application has been made in outline only, there is no detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. On this basis, the proposal is considered to generally accord with adopted local plan policy CP2 in this respect.

Infrastructure

- 10.41 County Council Education have confirmed that based on a scheme of 12 units that there would be no requirements for developer contributions to be made towards the provision of primary or secondary school education facilities.
- 10.42 Highways have confirmed that the culverting of the beck will need to be designed and constructed to an adoptable standard with the design being subject to Highways design check technical approval procedure. A Commuted Sum payment to cover future inspections and maintenance will also be payable.

Density

- 10.43 Policy CP3 promotes development which is an efficient use of land, likewise the NPPF Section 11 advises decisions should promote an effective use of land. The application proposed 12 dwellings which is a low density, however, given its edge of village location

this is considered acceptable and will provide a transition between countryside and village. Any lower density would unlikely to be an efficient use of land.

The Public Sector Equality Duty

- 10.44 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The development would provide 12 new homes adjacent to the Secondary Service Village of Finghall. The amount would exceed the minimum target for the settlement; however, this would not be an amount which is considered to be excessive or disproportionate to its existing size and infrastructure or position within the settlement hierarchy. The site has good links to the village with a public footpath running from the existing public right of way to the south and north through the development site.
- 11.2. Some indicative details of appearance, landscaping, layout and scale have been submitted however due to the nature of the outline application, these details would be considered at the reserved matters stage. From the information provided as part of the application it can be considered that a scheme can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed.
- 11.3. The proposal would not have a harmful impact on the setting of nearby Listed Buildings or the Conservation Area.
- 11.4. The proposed development does not propose any affordable dwellings which is a direct conflict with Policy CP6. Housing mix could be conditioned. No open space has been proposed though the site has the potential to provide it and is expected for major housing developments as per the requirements of Policy CP11.
- 11.5. Sufficient technical details for highways & access, protected species, biodiversity, trees and hedges, drainage and flooding have not been submitted therefore it is not possible to assess whether the development could be acceptable in regard to these aspects.

12.0 RECOMMENDATION

- 12.1 That planning permission be REFUSED for the following reasons:
1. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha. Surface water flooding has occurred at the south of the application site at the indicative access point. No Flood Risk Assessment or indicative drainage strategy has been submitted and it is therefore not possible to assess whether the new residents would be at risk of flooding or whether the development would increase flood risk off site. The application therefore conflicts with the requirements of Policy CP3 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraph 173 of the National Planning Policy Framework 2023.

2. The application seeks the development of a 0.93ha field bounded by hedges and trees, with a beck running through the southern most part of the site and therefore has several natural features which are likely to provide habitats for wildlife and potentially protected species. No Ecological Assessment, Protected Species Survey(s) or Biodiversity Reports have been submitted and therefore there is insufficient information to ascertain any locally significant negative impacts to wildlife, protected species or biodiversity. This conflicts with the requirements of The Conservation of Habitats and Species Regulations 2017; Policy CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraphs 180 and 186 of the National Planning Policy Framework 2023.
3. The application site is boarded by trees and hedges and no information has been provided to determine the quality if these features together with whether they can be retained or need to be removed to facilitate the proposal. This conflicts with the requirements of Policy CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraphs 180 and 186 of the National Planning Policy Framework 2023.
4. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha and no affordable housing has been proposed. This conflicts with the requirements of Policy CP6 of the Richmondshire Local Plan 2012-2028 Core Strategy which requires 40% of the units to be affordable; and paragraph 66 of the National Planning Policy Framework 2023.
5. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha and no public open space is proposed. This conflicts with the requirements of Policy CP11 of the Richmondshire Local Plan 2012-2028 Core Strategy which requires public open space provision in line with the recommendations of Fields in Trust Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England 2020. The development also conflicts with paragraph 8 of the Nation Planning Policy Framework 2023.

Target Determination Date: 13 February 2024

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