

SCHEDULE A: Applications with Recommendation

16/1047

Item No: 08

Date of Committee: 21/04/2017

Appn Ref No:
16/1047

Applicant:
Mr A & Mrs J Irving

Parish:
Hayton

Agent:
Holt Planning Consultancy
Ltd

Ward:
Hayton

Location: Land opposite Garth End, Hayton, Carlisle

Proposal: Proposed Detached Dwelling

Date of Receipt:
02/12/2016

Statutory Expiry Date
27/01/2017

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle Of Development And The Impact On The Character And Appearance Of The Landscape Is Acceptable
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Upon Highway Safety
- 2.5 Foul And Surface Water Drainage
- 2.6 Impact Of The Proposal On Biodiversity
- 2.7 Impact On Hedgerows

3. Application Details

The Site

- 3.1 The application site is located at the western fringe of the village of Hayton. The 0.06 hectare parcel of land is currently in agricultural use. The land itself

slopes up steeply from the north and the east and rises to a summit centrally within the site. The site is bounded by hedging along its north and east boundaries.

- 3.2 Adjacent to the northern boundary is a narrow road that links Hayton with Corby Hill beyond which are several detached houses. To the east, is the road leading from Hayton towards Castle Carrock. On the opposite side of this road is the garden of Townfoot House which is also elevated above the road.

The Proposal

- 3.3 The proposal seeks planning permission for the erection of a detached dwelling with integral garage and car port. The building would be sited further towards the southern and eastern boundaries of the site. The accommodation of the 2 bedroom property would be generally over 2 floors with dormer windows in the roof space. As the building nears the eastern boundary the height would be reduced to single storey.
- 3.4 The building would be constructed from facing brick work under a slate roof. The lintels, cills and thresholds will be finished with 'brick on end' and the doors and windows are to be a mixture of timber and aluminium coloured grey/ green.
- 3.5 To accommodate the building within the topography of the land, the building will be set within the site at a level approximately 1.8 metres lower than the existing ground levels.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 2 of the neighbouring properties. In response, 5 letters of objection have been received and the main issues raised are summarised as follows:

1. the site is outwith the settlement boundary as show in the 2001-2016 local plan;
2. the site is approximately 4 metres higher than 'Peacock Lonning' and thus becomes an imposing structure at the entrance to the village;
3. the building is of an inappropriate scale, being 4 metres above the road level and does not take into account any local landscape or topography;
4. the ground floor of the dwelling will be in line with the top of the window of Garth End that does not response to the local context in terms of height, scale or massing;
5. the proposal will overshadow and overpower Garth End and will also be in direct sight;
6. the siting and height of the building will impact on the privacy of neighbouring properties by windows overlooking them;
7. the proposal will affect visual amenity;
8. the proposal would not enhance or positively contribute to the vitality or

- sustainability of the local community;
 - 9. the application states that the development will consolidate the village form but this is not the case as it is a rural aspect;
 - 10. if the application is approved, this will set a precedent and result in creep into the countryside;
 - 11. no change of use is proposed for the land from agriculture to residential, 'hobby farming' and the keeping of horses for recreational use;
 - 12. the access onto the lonning is not suitable for heavy vehicles and there are concerns about delivery of building materials and transport for equestrian use;
 - 13. the lonning is narrow exiting onto a left hand bend with an adverse camber which poses a safety risk;
 - 14. the use of the land for 'hobbing farming' and equestrian use will result in effluent running off the land. There is also no reference as to where the feed will be stored;
 - 15. given the references to farming and equestrian use in the application details, this will inevitably lead to additional buildings on the land;
 - 16. the use of the land will give rise to increased levels of noise from stock and machinery;
 - 17. there will be an increase level of odour nuisance and vermin on the land;
 - 18. the property is situated in an area where there are electricity power lines and access for maintenance and repairs will be affected.
- 4.2 In addition, 2 letters of support have been received and the issues raised are summarised as follows:
- 1. the village should be permitted to develop in a proportionate manner and as such, the application should be approved;
 - 2. provided that the dwelling is built in stone, which would be in keeping with the surrounding stone built properties, it will enhance the village;
 - 3. the bungalow will not look out of place beside the neighbouring dwellings and will enhance this aspect of the village.
- 4.3 In response to the amended drawings which show the building set within the topography of the site, 2 further letters have been received and the main issues raised are summarised as follows:
- 1. the lowering of the height of the building is acknowledged but this does not provide reassurances that neighbouring properties won't be overlooked;
 - 2. there are still concerns about the scale of development and particularly the idea of 'hobby farming';
 - 3. the location of the site is still of concern being in open countryside and opening up a vista for further development;
 - 4. previous comments about access to electricity lines, future intention with regard to farming and highway safety should be considered;
 - 5. the local plan does not identify the land for development and unless there are special circumstances development should not be permitted in such undesignated areas.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the application is recommended for refusal on the basis that inadequate information has been submitted to satisfy the local planning authority that the proposal is acceptable in terms of access and visibility splays;

Hayton Parish Council: - as the development will be prominently visible when (re)entering the village from the west and south, it should represent the style and character of the village environment.

6. Officer's Report

Assessment

6.1 Section 54a of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO6, CC5, CM5, GI1, GI3, GI6, IP3 and IP6 of The Carlisle District Local Plan 2015-2030. The Council's Supplementary Planning Document on "Achieving Well Design Housing" together with the Cumbria Landscape Character Guidance and Toolkit (CLCG&T) are also material planning considerations.

6.3 The proposal raises the following planning issues.

1. Whether The Principle Of Development And The Impact On The Character And Appearance Of The Landscape Is Acceptable

6.4 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the local plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.

6.5 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread through both plan-making and decision taking. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay.

6.6 In accordance with the NPPF it is therefore necessary for the principle of residential development to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

6.7 Policy HO2 of the local plan makes provision for windfall housing

development within or on the edge of villages in the rural area subject to a number of criteria covering scale, design, location, proximity to services and the need to enhance or maintain the vitality of rural communities. Although some objectors have made reference to settlement boundaries, this is no longer relevant in light of the NPPF and the currently adopted local plan.

- 6.8 When assessing the application against the relevant policies it is noted that there are services within Hayton and the principle of residential development within appropriate infill sites are acceptable. The key issue in determining whether the principle of development is acceptable in this instance is whether the proposal is compliant with criterion 3 of Policy HO2 which states that:

“on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;”

- 6.9 Paragraph 5.16 of the supporting text to Policy HO2 states:

“Development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of a village.”

- 6.10 The policy assessment in this respect is therefore twofold; whether the site is physically well contained **and** whether the proposal would adversely impact on wider views.

- 6.11 Although the area has no statutory landscape designation, the CLCG&T outlines that the area is characterised by rolling lowland (Category 5c). The key characteristics are described as open undulating and rolling topography; lowland agricultural landscape dominated by pasture; hedged and hedgerows trees are common on lower ground and sparse on higher ground; some scrub woodland and the perceptual character of the area is of a *“typical working farmed landscape punctuated by quarrying activities. Views are limited by undulating topography.”*

- 6.12 The landscape is described generally as a *“matrix of hedges and hedgerow trees that form and shape strong field pattern are sensitive to changes in land management. Rolling, open and undeveloped higher ground is sensitive to tall infrastructure or large scale development.”* The CLCG&T identifies that *“these areas are subject to pressures for urban development due to their proximity to key towns and cities in Cumbria. Without careful management planned and incremental expansion could erode the landscape character.”*

- 6.13 When approaching the site from the south, the agricultural land is elevated above the road and seen in context with the curtilage of Townfoot House to the east and the properties directly in front of the direction of travel. The road then curves round to the right leading into the village. There is no landscape boundary to the south of the application site.

- 6.14 The site adjoins open agricultural fields to the west and south and although there are properties to the north and east, the site is read in the context of approaching the village and not being within it. It is not disputed that the application site is located in close proximity to other residential properties and is within walking distance of the centre of Hayton. However, the character of the area on the site itself and its approach from the south remains very much open and rural in character and the perception at this point is of having left the built form of Hayton. Whilst appropriate to the building, the scale and massing of the building in the context of the ground levels within the site would be significant, particularly when approaching from the south with the expanse of roof and the inclusion of a dormer window and 2 storey glazed projection. In light of the foregoing landscape character assessment, the proposed cannot be considered well related to Hayton and would appear visually isolated leading to an unacceptable intrusion into the open countryside contrary to national and local planning policies..
- 6.15 In the sense of the physical relationship to Hayton, the site would have good physical connectivity with the village insofar as there is a footpath at the point of the road junction leading to Castle Carrock/ Corby Hill. In this context, the development would not be in a physically isolated location.
- 6.16 Based on the current policy framework and the conclusion in the aforementioned paragraph, it is therefore necessary to consider whether the development would represent an isolated home in the countryside. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. It also states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 6.17 No evidence of need has been claimed for a rural based worker. Further information has been received from the agent in response to the objectors and it is stated that:

“There are no aspects of the proposal that serve, propose or support anything but a single dwelling. The applicants own and will retain the adjoining land to the south on which they hope to keep horses, with the possibility of a small number of livestock purely on 'hobby basis'. Regardless, this is not a material consideration on this application. The land could be rented to a local farmer at any point and its use for agriculture would not entail 'development'. The applicants have no intention of carrying out any agricultural 'development'. The only possible further 'development' would be solely in relation to the keeping of Mrs Irving's present horses - she is a longstanding, keen

equestrienne.”

- 6.18 On the absence of any special circumstances, therefore, the proposal would not be compliant with the NPPF or local plan policies in terms of acceptable development in the countryside.
- 6.19 Objectors have stated that approval of the application would set a precedent and result in and encourage further creep into the countryside. Members will be aware that each application has to be considered on its merits.

2. Whether The Scale And Design Is Acceptable

- 6.20 Adopted policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.21 The building would be located in close to the eastern boundary nearest the Castle Carrock road with the tallest part of the ridge being approximately 7.8 metres in height. Nearest the boundary, the building would be single storey extending to 2 storeys in height as the footprint extends westward towards the middle of the site. As stated previously, the building will incorporate first floor accommodation within the roof space facilitated by roof lights, dormer windows and a full height glazed section in the western portion of the south elevation.
- 6.22 The materials have been detailed earlier in this report and are considered to be acceptable. The property would be large but would be proportionate to the site and would incorporate materials and design features that are appropriate to the character of the area; the fenestration would be sympathetic and appropriate. The development would retain sufficient amenity space and parking facilities.
- 6.23 The highest section of ridge would be approximately 3.5 metres above the height of the hedge although account has to be taken that this would be approximately 17 metres from the hedge itself. The ridge of the garage which is closer to the eastern boundary would be approximately 2 metres taller than the hedge.
- 6.24 Notwithstanding this, the footprint, design and appearance of the building would be appropriate in the context of the site.

3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.25 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of

inappropriate development, scale or be visually intrusive.

- 6.26 The layout plan illustrates that the living conditions of the occupiers of the neighbouring property will not be compromised through loss of light, loss of privacy or over dominance as a result of the development.
- 6.27 The proposed unit would be of sufficient distance from the existing properties along the road. Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers of the remaining properties would suffer from losses in privacy or daylight and sunlight or unacceptable levels of noise or disturbance due to the siting, scale and design of the property the development would not be over-dominant that merit the refusal of permission.
- 6.28 Some objectors have made reference to the development resulting in overlooking, loss of privacy and would be visible from neighbouring properties. Whilst the proposal would be visible, it would be approximately 51 metres from Garth End which is to the north of the site. On this basis, the development would not conflict either the local plan policies or the council's SPD which requires a minimum distance of 21 metres between primary facing windows.
- 6.29 Whilst it is accepted that there may be some noise and disruption during the construction process, this is not in itself sufficient to warrant refusal of the application. Should the application prove to be acceptable it would, however, be reasonable to impose a restrictive condition limiting the hours during which construction works can occur to minimise this impact.
- 6.30 The issue of access by construction has not been raised by the Highway Authority but if the proposal proved to be acceptable, a suitable condition relating to a construction Management Plan could be imposed.

4. Impact Upon Highway Safety

- 6.31 The submitted layout drawing shows the formation of an access from the road to Corby Hill and a section of hedgerow would be removed with a section of the remaining hedge trimmed to provide the required visibility splays. There is sufficient incutillage parking and turning provision within the site.
- 6.32 Initially Cumbria County Council as the Highway Authority raised an objection on the basis of inadequate information regarding access and visibility splays. Amended information has been received which seeks to address this and an update will be provided to Members at the committee meeting.

5. Foul And Surface Water Drainage

- 6.33 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application documents, submitted as part of the application, outlines that foul sewage would be to the main sewer

whilst surface water would be to a soakaway.

- 6.34 The principle of these means of disposal is acceptable; however, no details of the soakaway have been submitted. A condition could be included within the decision notice ensuring the submission of further details for the disposal of surface water prior to commencement of development.

6. Impact Of The Proposal On Biodiversity

- 6.35 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.36 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposal would involve development on agricultural land, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Impact On Hedgerows

- 6.37 The site is bounded to the east and north by an existing hedgerow. Additional landscaping is also proposed by this development. It is considered that works within the site are of sufficient distance that no adverse effect would result, however, it would be appropriate to impose a condition requiring hedge protection during development and the submission of a landscaping scheme.

8. Other Matters

- 6.38 Objectors have raised issues about odour and vermin together with increased noise levels from the agricultural use of the land as a 'hobby farm' and equestrian use which the applicant has stated would occur on the remaining land. The land is already in agricultural use and it is not considered that the proposal would result in such significant increase as to generate material considerations sufficient to warrant refusal.

Conclusion

- 6.39 In overall terms, the proposal involves the erection of a dwelling on land to the west of Hayton. The character of the area on the site itself and its

approach from the south remains very much open and rural in character. The perception at this point is of having left the built form of Hayton. The development would result in the erection of a building partly over 2 floors on an elevated site that would form an unacceptable prominent intrusion in to the open countryside. In light of the foregoing and the landscape character assessment, the proposed cannot be considered well related to Hayton and would appear visually isolated and would not be well contained within existing landscape features. There are no special circumstances to justify the erection of an isolated dwelling, including those cited in the NPPF namely that it would be essential for a rural worker.

- 6.40 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers of the remaining properties would suffer from losses in privacy or daylight and sunlight or unacceptable levels of noise or disturbance due to the siting, scale and design of the property the development would not be over-dominant that merit the refusal of permission. The fact that a development would be visible is not sufficient grounds for refusal. The issue of construction access and management could be addressed by means of an appropriate condition.
- 6.41 The principle of both foul and surface water drainage is acceptable albeit further information would be that could be secured by means of conditions.
- 6.42 No biodiversity issues are raised and additional landscaping of the site would be appropriate.
- 6.43 The principle of the development is considered to be contrary to both local and national planning policies and therefore recommended for refusal.

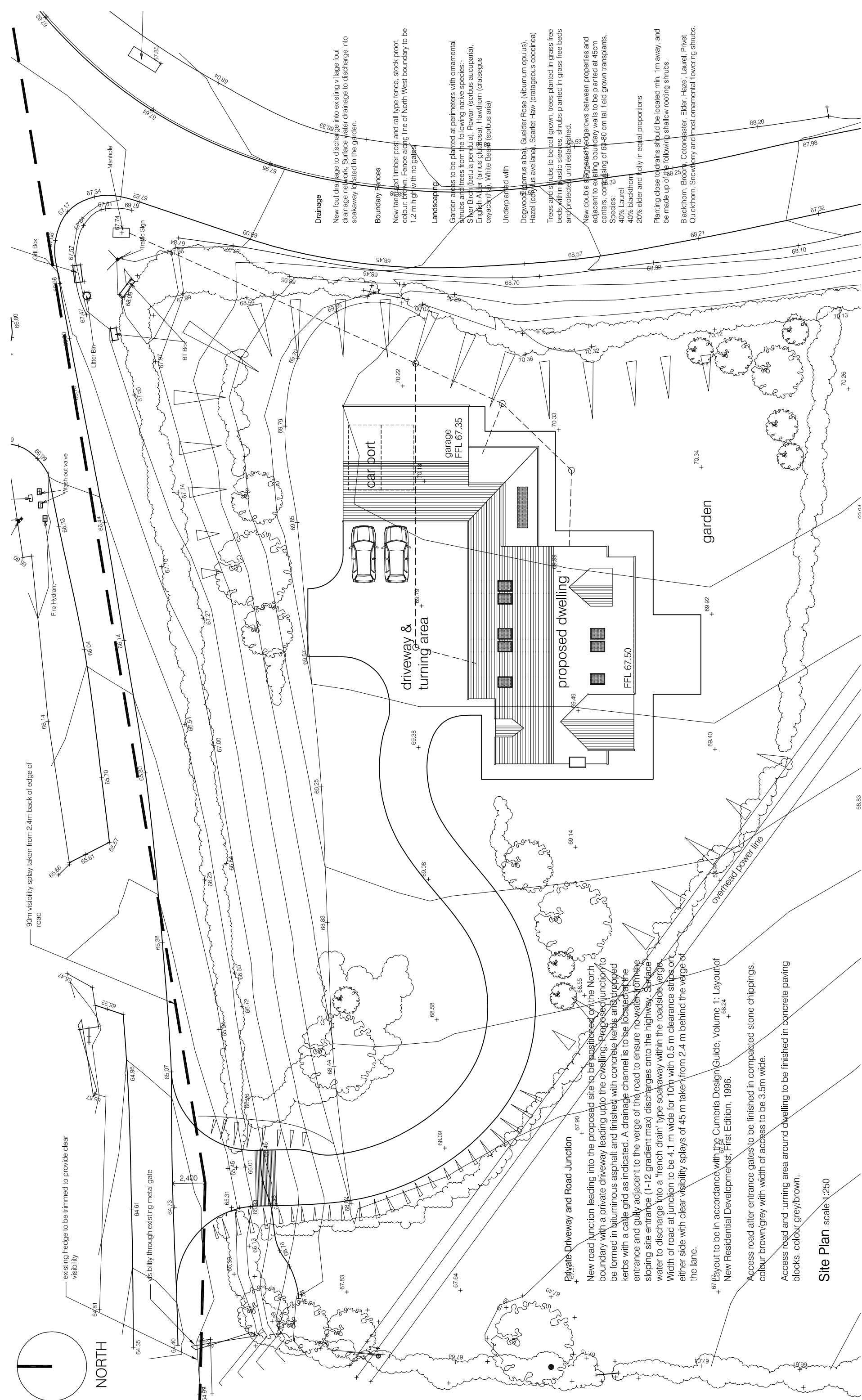
7. Planning History


- 7.1 There is no planning history associated with this site.

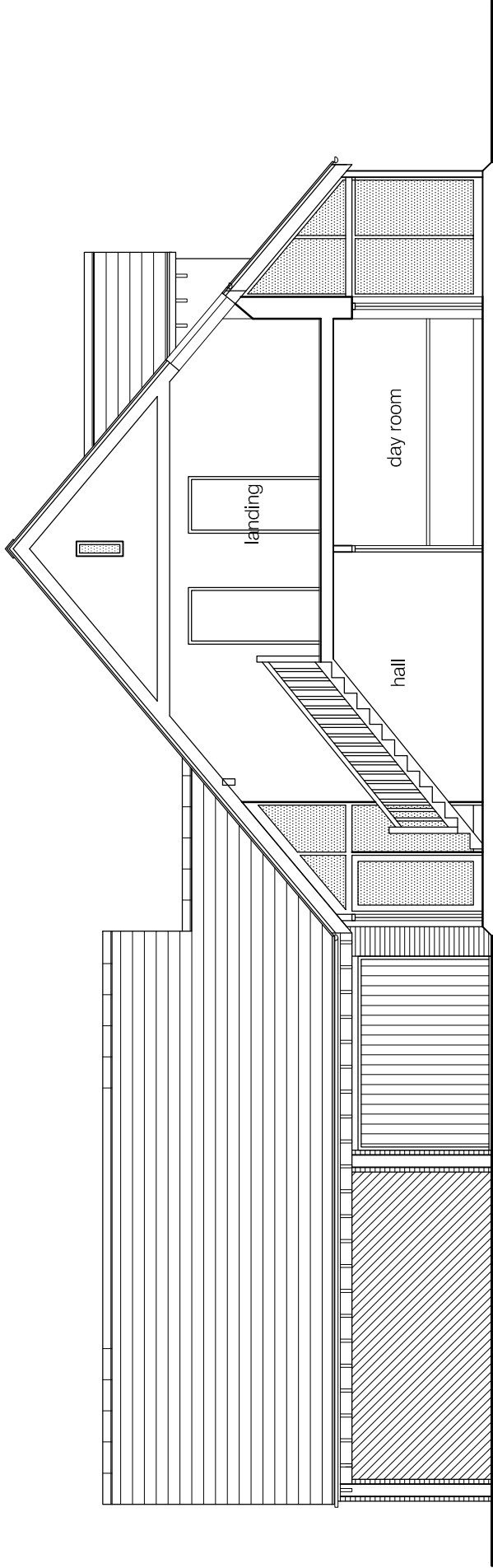
8. Recommendation: Refuse Permission

- 1. **Reason:** The application site is outwith the built form of Hayton on the western side of the U1199 road, physically and visibly separated by an unclassified road to the north, thereby intruding into open countryside. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy GI1 (Landscapes), criterion 2 of Policy SP6 (Securing Good Design), criterion 3 of Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 and Paragraph 55 of the National Planning Policy Framework.

2. **Reason:** The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by open undulating and rolling topography. The sensitive characteristics or features of the landscape is rolling, open and undeveloped higher ground is sensitive to tall infrastructure or large scale development. The CLS states that without careful management planned and incremental expansion could erode the landscape character. The site is not visually contained. Although it is proposed to set the building within the topography, the land is significantly higher than the adjacent public roads. Given the topography, scale and height of the building particularly being over 2 storeys, the erection of a dwelling on this site would form a discordant feature and have an adverse impact on the character of the area. The proposal is, therefore, contrary to paragraph 58 of the National Planning Policy Framework, Policy GI1 (Landscapes), criterion 2 of Policy SP6 (Securing Good Design) and criterion 3 of Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030.
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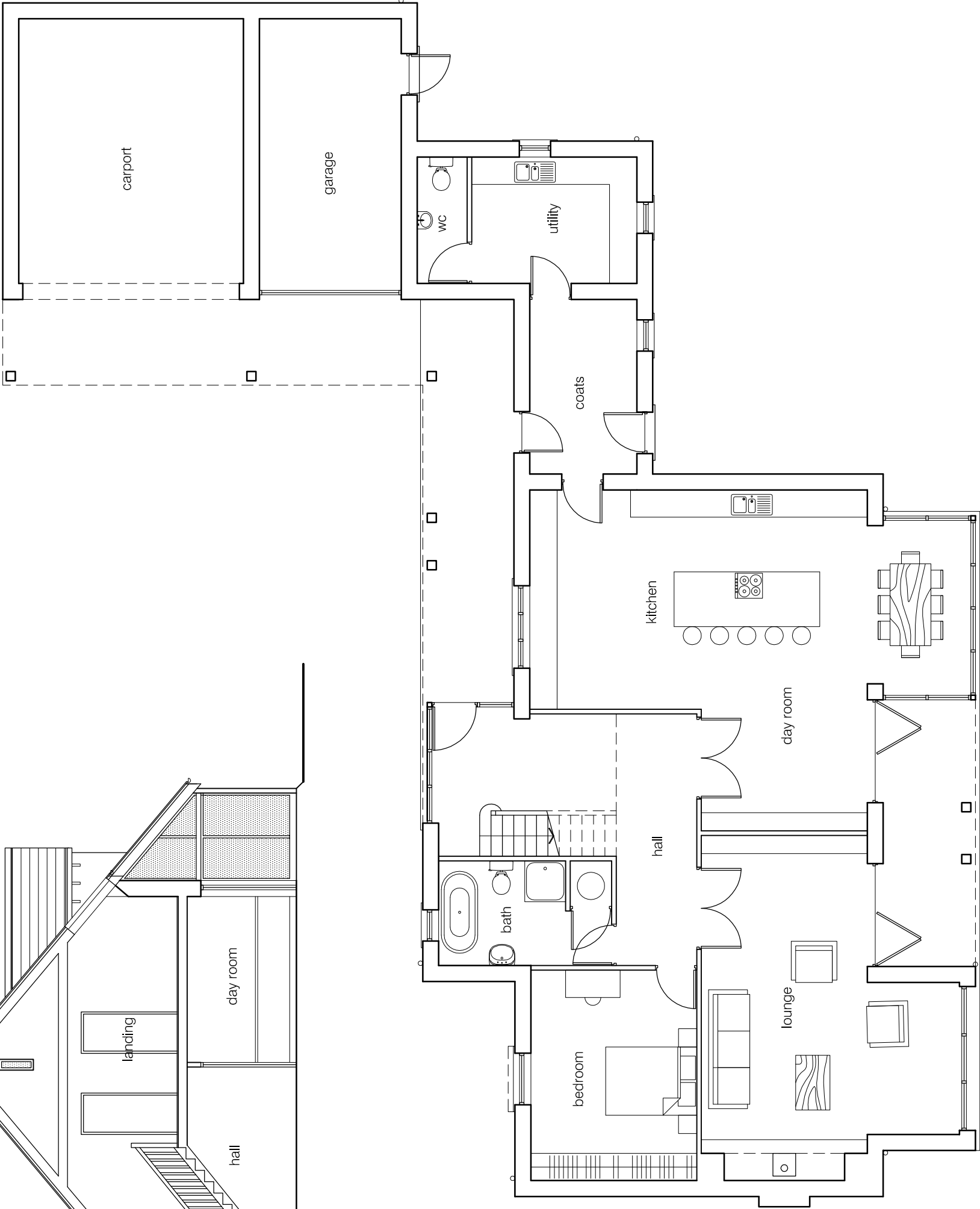
Section scale 1:100

Walls

Walls to be finished in facing brickwork colour: red/pink/buff, with projecting brick plinth.

Roofs

Roofs to be slated in natural slates, colour: blue/grey laid in the traditional manner. Roof to incorporate artificial stone ridges laid and bedded in mortar in the traditional manner, colour: pink/red. Verges to have a small overhang and bedded and pointed onto a slate undercloak (without bargeboards).



Ground Floor Plan scale 1:100

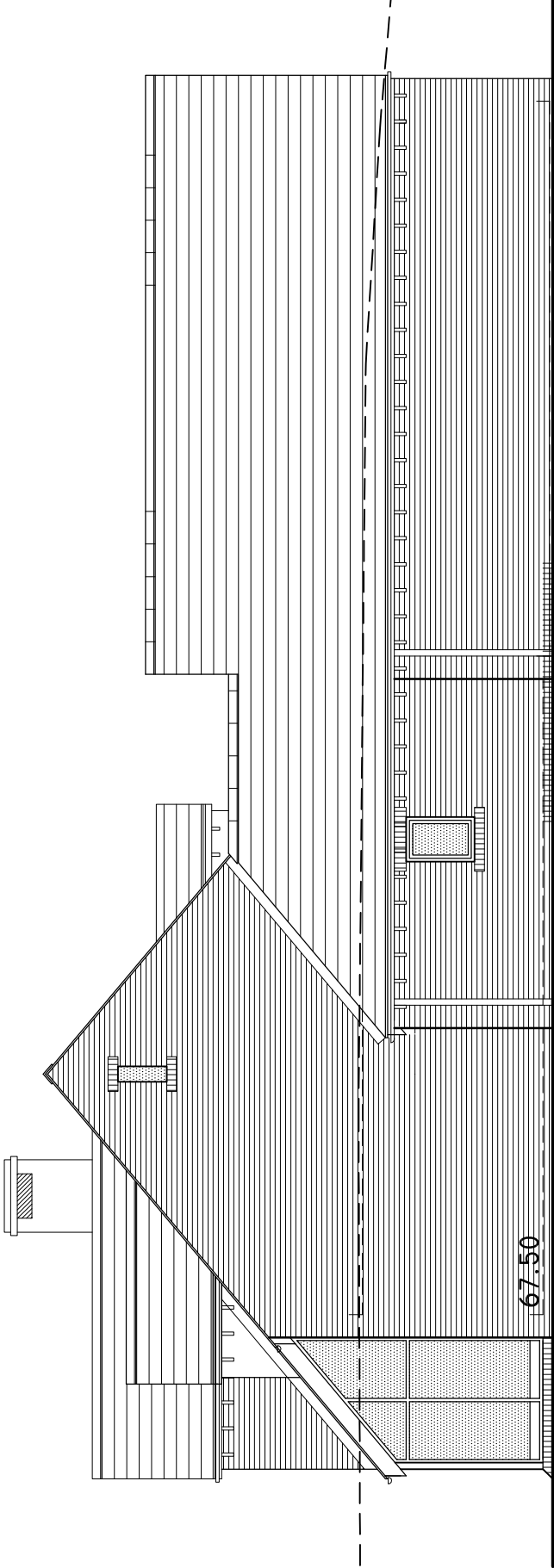
revisions	AS PROPOSED GROUND FLOOR PLAN & SECTION			15-11-16	1-100@A3
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Rainwater Goods

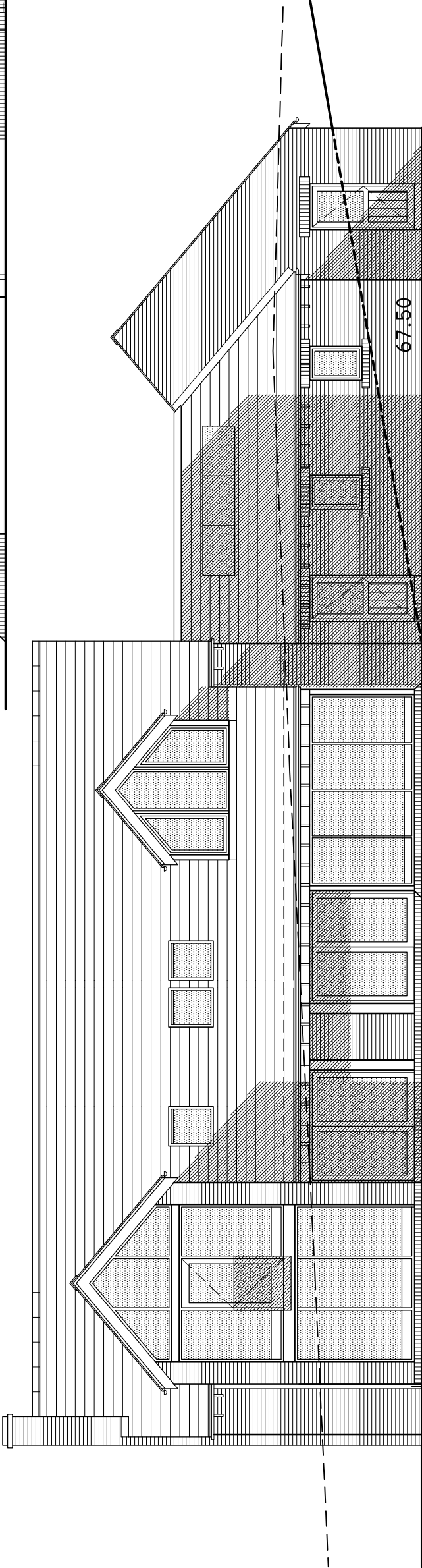
New pvc-u rainwater goods from the Marley Deepflow range, colour: dark grey.

Garage Doors

Up and over GRP 'timber effect' garage doors from Henderson's Ltd or Garador Ltd. colour: grey/green- or alternatively roller type door: colour grey/green.



East Elevation scale 1:100



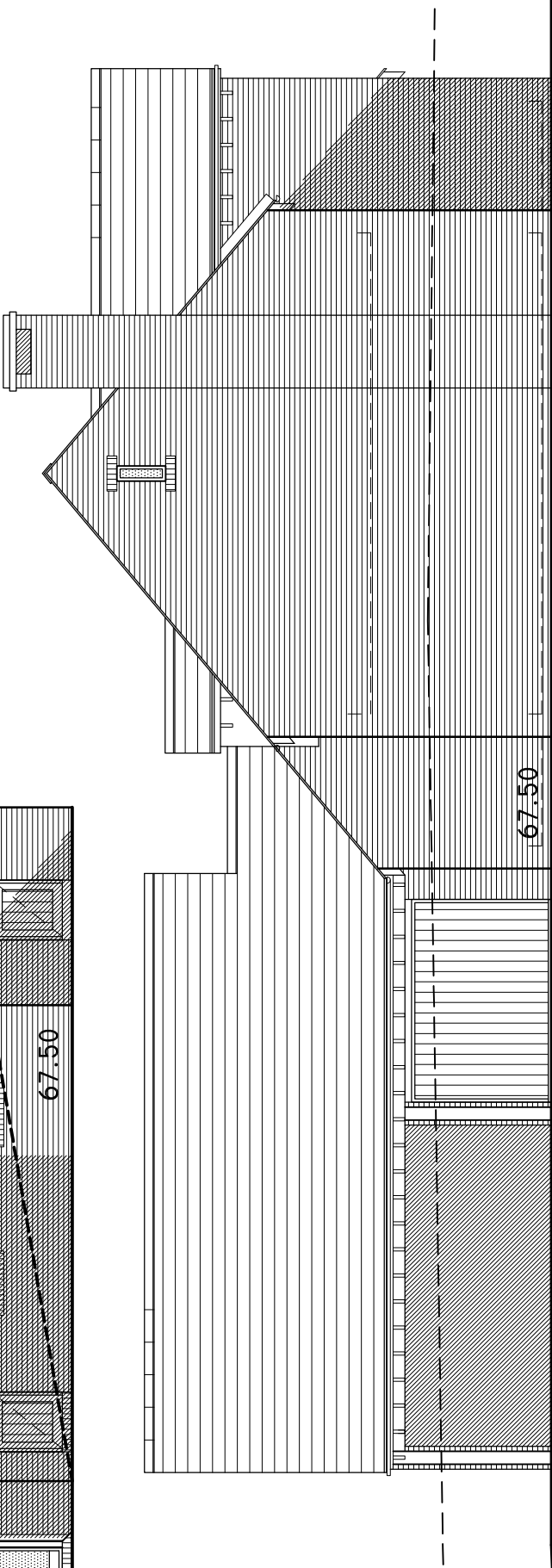
South Elevation scale 1:100

Chimneys

Chimney stacks to be finished in facing brickwork, colour: red/brown, with traditional detailing, colour:pnk/red/buff.

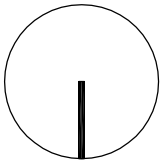
Open Structures

Open Structures and canopies to be slated with natural slates, colour: blue/grey laid in the traditional manner with artificial stone ridges (where applicable) to match the existing roof to be laid and bedded in mortar in the traditional manner. Exposed timberwork to have a natural finish

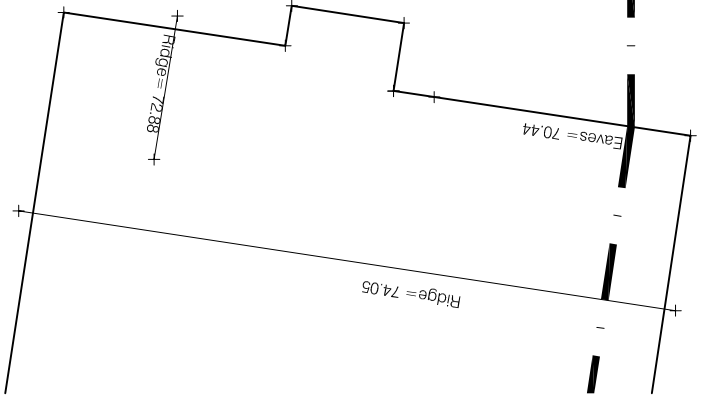


West Elevation scale 1:100

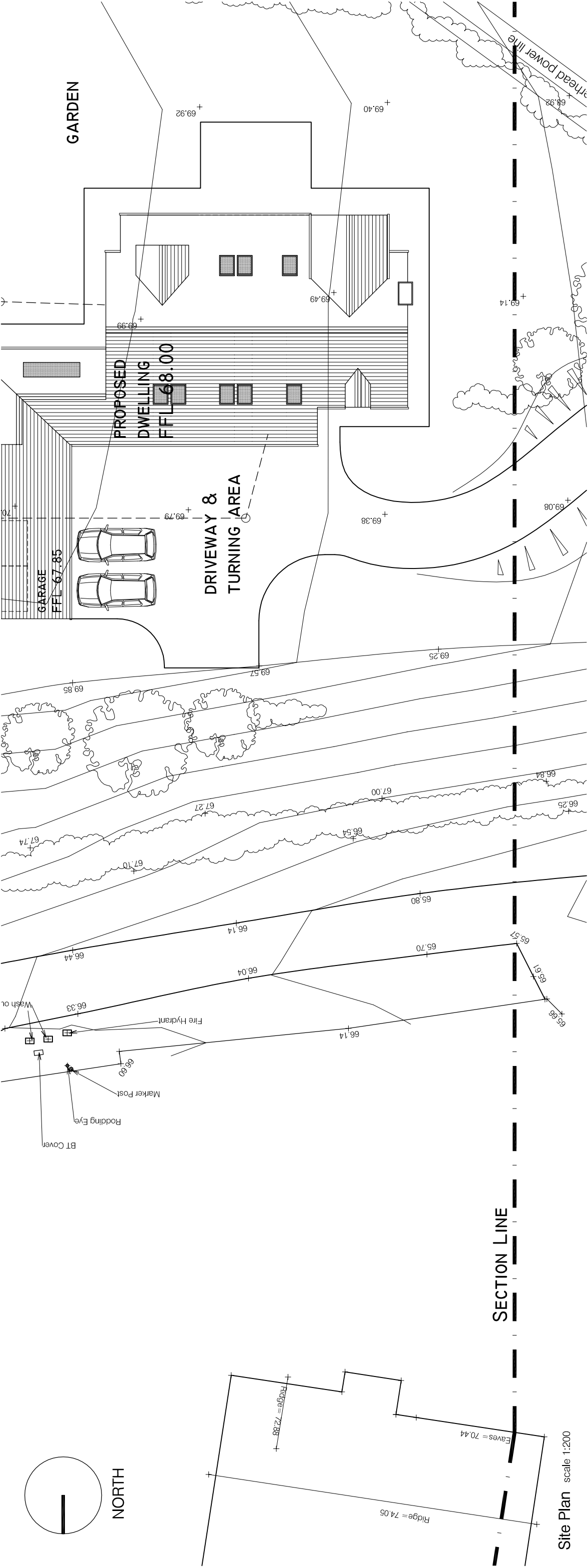
DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT ©	revisions		General amendments	
	A	18-11-16	02-03-17	Levels adjusted. WJC
	B			
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			MR AND MRS IRVING	
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			15-11-16 date BB of	1-100@A3 scale rev



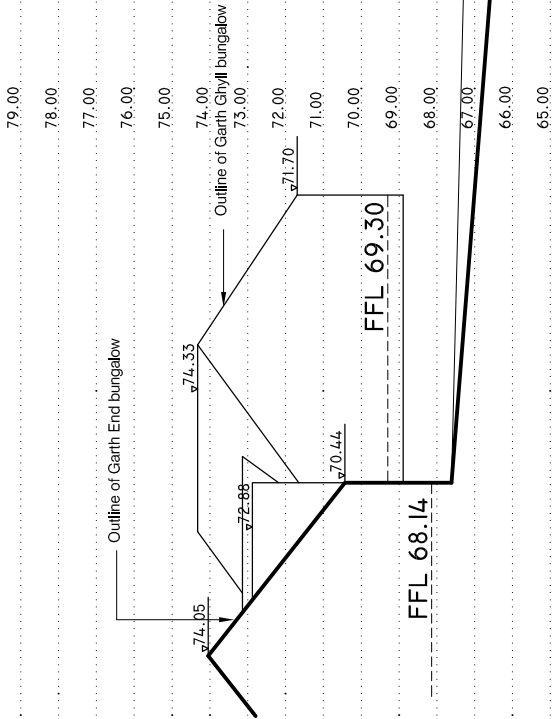
NORTH



Site Plan scale 1:200

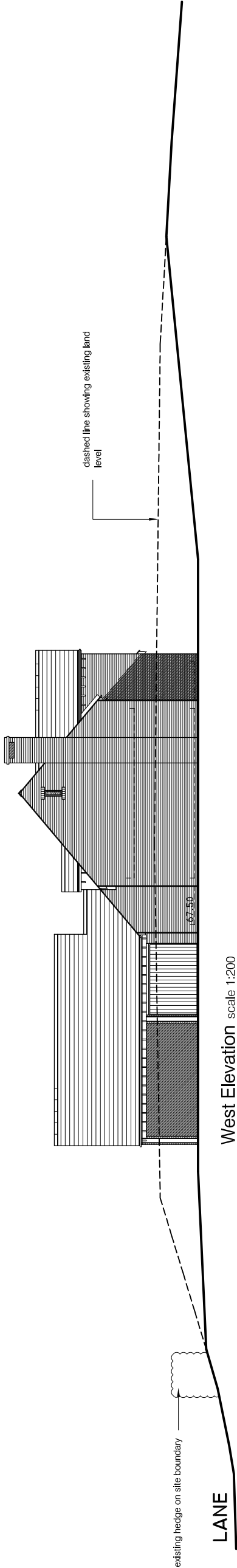
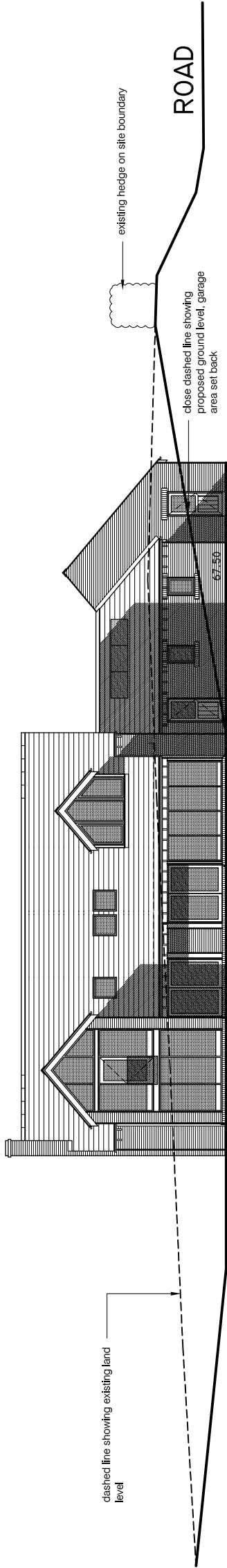
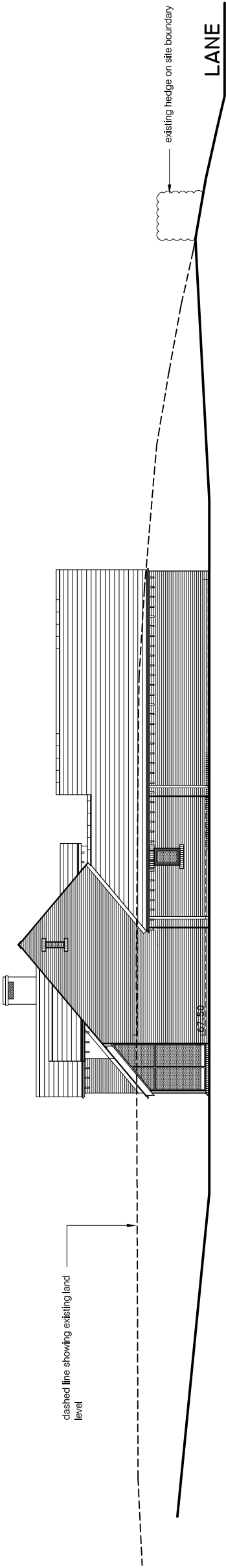
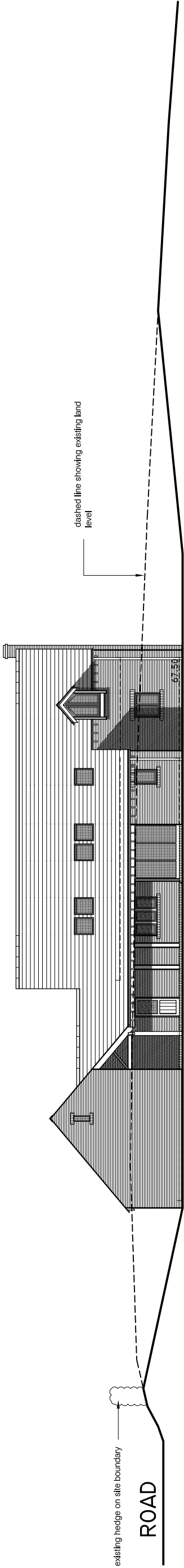


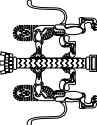
SECTION LINE



Site Section scale 1:200

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