Yorkshire Dales National Park Authority

Committee: Planning

Date: 26 November 2024

Applicant: Mr Charles Smith

Parish: Hudswell

Officer: Mark Williams

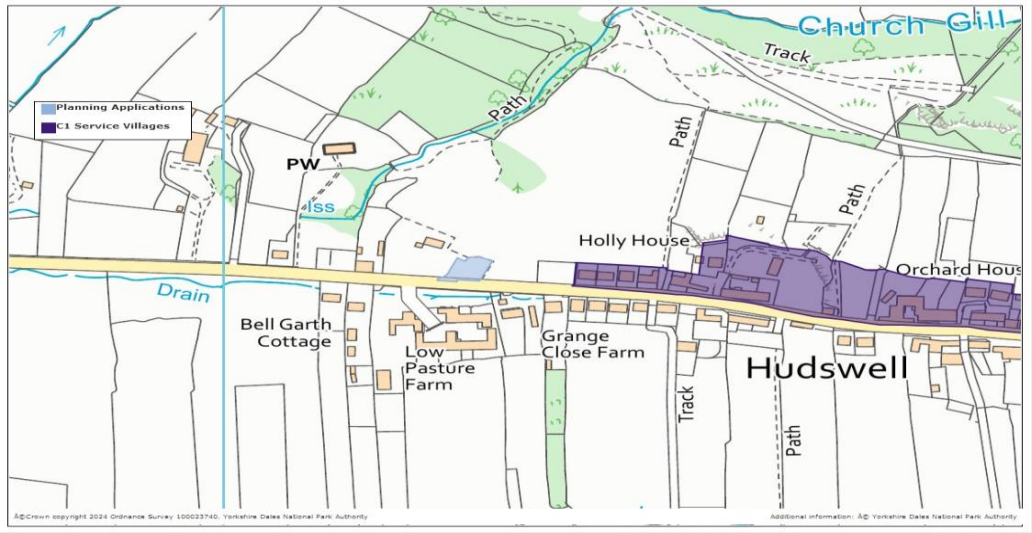
Application No: R/27/145

Site Address: The Grove, Hudswell, RICHMOND, DL11 6BW

Proposal: Full planning permission for erection of 1no.dwelling and detached garage to garden of existing dwelling with associated external works and new private access to highway at land to the east

Purpose of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. The Grove is a large detached house set back from the north side of the road on the western approach to the village. Planning permission has recently been granted for the erection of a 2-storey extension to the house, together with the erection of a detached garage towards the front of the site (Ref R/27/140A). These developments have now been completed.

4. The application site lies immediately to the east of the new detached garage on part of the garden to The Grove. The site fronts onto the road and has recently been cleared.

Proposal

5. It is proposed to erect one detached house on site, together with a detached garage and a new private access off the County road.

6. The proposed dwelling would be built of stone with a red pantile roof. It would provide 4-bedroomed accommodation over two floors. The house would have an 'L'-shaped floorplan, with a gable and flat-roofed element to the rear.

7. An amended site plan shows the single detached garage brought forward so that it sits in line with the front elevation of the house.

Relevant Planning History

8. The following applications are relevant:

   R/27/140 - Householder planning permission for demolition of extension and outbuildings and replacement with new extension and outbuildings and associated external works. Refused 06/08/2021

   R/27/140A - Householder planning permission for erection of two storey rear and side extensions, refurbishment of existing outbuilding, erection of garage and covered bin/wood store area and greenhouse, alterations to landscaping and access/parking arrangements (works will include removal of conservatory, open garage and second porch). Approved - Conditional 14/10/2021

Consultations

9. The comments of statutory and non-statutory consultees are summarized below:

Highways Request a revised drawing showing the length of each side of the driveway and the internal dimensions of the garage. The driveway adjacent to the garage needs to have a minimum length of 6 metres and the driveway next to the gate to the yard a minimum length of 5.8 metres. As the garage is the third required parking space then it needs minimum internal dimensions of 3 metres x 6 metres.

[NB – *the applicant has submitted measured plans as requested. These have been forwarded to the Highway Authority. Any further consultation response will be reported at the meeting.]*

Wildlife Conservation Officer The site falls within SSSI 1km buffer (Lower Swaledale Woods and Grasslands). Springs Woods ASNW lies 210m north of the site. Site falls within Swales Tees project boundary region. Aerial photography shows site clearance within the Red Line boundary of the proposal. Existing plan, Scale 1 to 200 provided by the Applicant shows 6 trees/shrubs within Blue Line boundary and 1 tree/shrub on the southwest edge of the Red line boundary. Proposed site plans show the removal of 1 tree/shrub to the southwest edge of the Red Line boundary. The surrounding environment is of high value to bats being wooded, open and the nearest watercourse being 70m to the northwest of the proposal.

No objection subject to compliance with BNG requirements.

CEHO - No objection. Recommends conditions on contaminated land, noise from air souirce heat pump and construction noise, plus an Informative on Radon.

Fire Officer - Richmondshire - At this stage in the planning approval process the York and North Yorkshire Combined Authority in its capacity as Fire and Rescue Authority ('YNYCA') have no objection/observation to the proposed development. The YNYCA will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the YNYCA.

Hudswell & District PC - Hudswell and District Parish Council have no objections regarding the planning application as YDNPA have identified the land as suitable for more housing. The proposed dwelling would be within the grounds of the existing house.

There is however a precedent for infill housing in the village which is acknowledged but regrettable.

Councillors has asked that a stipulation be put on the new property, that the property must be a main residence and not a 2nd home or Air BnB.

Public Responses

10. Public responses received at the time of writing: 4 Advertised by site notice. Grounds of objection include:

- Impact on rural character of the village
- Increased density of housing

- Lack of infrastructure; sewerage and water demand
- Increased traffic
- Recent felling of trees and filling of pond
- Lack of affordable housing
- Problem with Himalayan Balsam
- Storage of soil on site, which is technically commercial waste
- Flooding issues caused by loss of pond
- Would prefer a single storey dwelling
- Disturbance from construction traffic

Assessment

Key Issues:

- Principle of development
- Biodiversity Net Gain
- Sustainability
- Parish Council comments
- Equality Act

Principle of Development

11. Policy C1 (Housing in Settlements) of the Yorkshire Dales Local Plan (2015-30) states that housing development will be permitted on acceptable sites within the housing development boundaries of local service centres and service villages identified on the policies map. According to this map the application site lies outside the development limit for Hudswell. As such the proposed development would be contrary to Local Plan Policy C1.

12. Policy C1 goes on to state that, on sites of up to five dwellings, new housing will be restricted to local occupancy. That restriction has not been offered here and so the proposed development also fails to meet this requirement of Policy C1.

13. Policy C1 also states that housing sites will be expected to meet a minimum density of 35 dwellings per hectare (dph). This is intended to ensure the efficient use of land. Lower densities will only be permitted where this it is necessary to; provide a safe access, conform to highway capacity, fit into the landscape, conserve the character of the settlement, or is required by the physical characteristics of the site.
14. None of these exceptions are considered to apply to the application. As submitted the proposed development represents a density of c17dph, just under half the minimum required by Policy C1.

15. The application site is however included in the proposed development limit for Hudswell set out in the current consultation on potential housing sites and development boundaries (Consultation No. 6) for the emerging Local Plan. In terms of the preparation of the new Plan, it has not yet reached an advanced state and it is likely that the final draft will be published early next year (2025).

It is considered that significant weight cannot be given to emerging policies (including development limits) at present as a final draft has yet to be completed and approved by Members (timetabled for the Authority meeting in March 2025). Until such time the proposed new development limit for Hudswell cannot be given weight.

16. While the proposed extension of the development boundary to Hudswell may prove to be uncontroversial (extending as it does the existing pattern of ribbon development), other proposed limits may well receive objections which challenge the methodology for choosing the proposed extended limits. There is no guarantee that Hudswell would not be caught up in such a debate.

17. Therefore, in advance of the adoption of the new Local Plan the proposed development could be considered to be premature.

18. Furthermore, it is likely that the proposed new housing policy would continue the approach in the current Local Plan in requiring single new dwellings to be subject to a local occupancy restriction, which is not being offered here, and that new housing development achieves a minimum density of 35 dph.

19. Government guidance in the National Planning Policy Framework recommends a cautious approach when citing prematurity as a reason for refusing planning permission. Thus para 49 states: 'However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process
by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'

20. Para 50 of the NPPF goes on to state that: 'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination…. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process'.

21. In this case it is considered that granting permission for the proposed development would be premature. While the application site sits within the proposed development limit for Hudswell, there is no guarantee that this will be adopted, given likely controversies over the proposed development limits for other settlements. In addition, the proposed development has a density of half the minimum recommended in the current and emerging policies. Granting permission here would undermine the aim of allowing an extension

to the development limit by predetermining the scale and amount of new development on the land intended to be included within the development limit, leading to an inefficient use of land earmarked for housing development and potentially affecting the character of the village. Furthermore, the lack of a local occupancy restriction would conflict with both current and emerging policy aimed at providing housing to address local needs. However the guidance in para 49 of the Framework requires the proposal to be so substantial and significant that to allow it would undermine the plan making process for prematurity to be justified as a reason for refusal. Nevertheless the point can be added as a note and corollary to the substantive reason for refusing this application.

Biodiversity Net Gain (BNG)

22. Local Plan Policy W2 states that new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement. The development is also subject to the national requirement that proposals deliver a 10% uplift in the biodiversity value of the site after development.

23. As noted by several objectors, several trees on site have been felled following the grant of permission to extend the house and erect the garage (Ref R/27/140A). These trees were not protected and no offence or breach of planning control occurred. The proposal plans do not provide for any replacements or any significant landscape planting.

24. This ‘degradation’ has been factored in to the BNG Matrix calculations, i.e. the former trees have been included in the baseline biodiversity value for the site. The Matrix shows that there would be a net biodiversity loss of -0.5 units, so a 10% uplift would require a total of c0.6 units. The applicant proposes to deliver these via off-site credits, which could be secured by means of a S106 agreement were planning permission to be granted.

Parish Council Comments

25. The Parish Council acknowledge that the proposed development represents infill development which reflect the type of ribbon development seen in Hudswell. This is reflected in the development limit proposed in the new Local Plan but as discussed above, this cannot be afforded much, if any, weight at this time.

26. If the applicant signed a s106 agreement, limiting occupancy to principle occupancy, then the dwelling could not be used as a second home or AirBnB. However this would not be sufficient to comply with the requirements of existing or proposed Local Plan policies, which require occupancy to be restricted to local occupancy only.

Equality Act

27. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

28. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

29. The proposed development lies beyond the current development limits of Hudswell and would therefore be contrary to Policy C1 of the Yorkshire Dales Local Plan. The proposal fails to make efficient use of land, fails to provide landscape planting and fails to provide for local housing needs. The proposal relies upon possible policy changes within an emerging local plan however the new local plan is not at a stage that would accord weight to be given to it and as such the proposal is premature in that respect.

Recommendation

30. It is recommended that permission be REFUSED for reasons based on the following:

1. In the opinion of the Local Planning Authority the proposal conflicts with the Authority's Housing Strategy insofar as the site lies outside the development limit for Hudswell, the proposal fails to make efficient use of land for housing; and fails to provide housing for a local need. The proposal does not represent sustainable development and is contrary to Policies SP1, SP3 and C1 of the Yorkshire Dales Local Plan (2015-2030).

Note: In the opinion of the Local Planning Authority the proposal is premature insofar as it relies upon potential policy changes that may come forward in the emerging Local Plan which is at an early stage. Should development of this site take place in the manner proposed it would prejudice the efficient use of the larger parcel of land intended for housing development to meet a local need.