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North Yorkshire

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**Authority:** Hambleton District Council

**Type of consultation:** Planning Application

**Full details of application/consultation:** 20/01270/FUL - Construction of 3no dwellings with detached garages and new vehicle and pedestrian accesses to the highway

**At land at:** Newton Farm, Main Street, Huby, North Yorkshire

**Type of response:** Objection

**Date of Submission:** 23<sup>rd</sup> July 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

*Please note, CPRE has undergone a national rebrand and whilst the charity, ethos and motivation remains the same – CPRE will now be known as ‘CPRE – The Countryside Charity’ (however, for the purposes of legality, the charity remains the Campaign to Protect Rural England).*

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy  
Katie Atkinson, BA (Hons), Dip TP, MA  
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## Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on this application for 3 residential properties at Newton Farm, Huby.

CPRENY object to the proposals on the grounds that the Council have a five-year housing land supply and thus, there is no demonstrable need for residential development at this location. Furthermore, the site is immediately adjacent to and within the setting of Grade II Listed Newton Farm and Cottage and the applicant has failed to assess the impact of the proposals on the heritage assets. Given its proximity to the site and lack of assessment and associated design, CPRENY consider there will be harm to the Listed Buildings.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
  - I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of three documents:

- Core Strategy DPD (April 2007);
- Development Policies DPD (February 2008); and,
- Allocations DPD (December 2010).

In 2015, the Council also adopted an interim policy guidance note specifically focussing on residential development in rural settlements.

Hambleton District Council ('HDC') have recently submitted their emerging Local Plan to the Secretary of State for independent examination. Inspectors have been appointed although at the time of writing, hearings are not yet scheduled. Due to the late stage of plan preparation, weight can be attributed to the emerging policies in accordance with paragraph 48 of the revised NPPF.

HDC are in a fortunate position in that they can demonstrate an available five year housing land supply, (the Council's SHLAA of 2019 cites a 9.1 year supply based on the NPPF scenario of over a 13 year supply following a Local Plan based methodology). The site subject to this application is not allocated in either the adopted Local Plan or the emerging Local Plan, which promotes a site within Huby to the rear of Huby Old Hall for 28

homes (site HUB1), therefore, the proposal should be considered to be windfall development. It is appreciated that there is some support via emerging Policy HG5 for windfall development within the main built form of a defined settlement – where the site is not protected for its environmental, historic, community or other value.

It is understood that Huby village are in the process of establishing a Neighbourhood Plan. Whilst no weight can be attached to this document due to the early stage in the planning process, it is understood that this site is not one which has been consulted on or considered by the Parish Council and wider residential community.

Emerging Policy HG5 goes on to set criteria for all proposals to meet. Point E sets out that all proposals will individually or cumulatively *'not result in the loss of open space that is important to the historic form and layout of the village or is an important social and community space'*. Newton Farm and Cottage dates back to the 18<sup>th</sup> Century (Historic England Listing).

Furthermore, the site is currently open space which fronts onto Main Street and is an important setting to the adjacent Grade II Listed Newton Farm and Cottage. The applicant has failed to provide a heritage assessment in terms of how the proposals would impact the listed heritage asset. The applicant has not mentioned the Listing anywhere in the supporting documentation submitted to HDC. The NPPF clearly states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. It goes on at paragraph 194 to state that *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II Listed buildings [...] should be exceptional...'*

Emerging Policy E5 sets out how developments will be assessed which affect heritage assets and states that *'a proposal will be required to demonstrate the potential for adverse impacts on the historic environment.'* It goes on to state that *'the heritage statement must contain sufficient detail for the impact of the proposed scheme on those heritage assets to be established'* and goes on to set criteria which the applicant should address.

Without this information, HDC simply cannot rule out that the proposed development will not cause detrimental harm to the heritage asset and so planning permission should not be awarded.

In conclusion, CPREHY believe that the proposal for development of this site should be refused for being contrary to both local and national planning policies.

Should any further information be submitted in support of the proposals, CPREHY reserve the right to comment further.