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Branch Chair
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Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: 21/02959/FUL - Construction of 43no dwellings, garages, access roads and ancillary services

At land: Rybeck House, Stoneybrough Lane, Thirsk , North Yorkshire

Type of response: Objection

Date of Submission: 14th April 2022

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.

All CPRE North and East 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
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for the construction of 43 dwellings, garages, access and ancillary services at Stoneybrough Lane in Thirsk. The proposals have been submitted by George White Consulting on behalf of Ms Samantha Barker ('the applicant') to Hambleton District Council ('the Council').

Planning Analysis

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') (2021) 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*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.'*

The Council has recently adopted its new Local Plan (Feb 2022) and as such, full weight can be attributed to the policies contained within the Local Plan ('LP') for the determination of this proposal. The new LP replaces all the policies within the previous development plan.

The LP sets out a housing requirement for 6,930 homes in total for the 22-year plan period through to 2036. Since the commencement of the Plan period (2014) to March 2021, a total of 3,387 homes were built across the district. Further, the existing supply of sites that have planning permission for residential development and are expected to be delivered during the plan period equates to circa 3,297. Leaving a residual of 246 new dwellings out of the total plan period.

The applicants Design and Access Statement seems to be written on the basis of the site being allocated under TH3. However, the new LP does not allocate this site, indeed the Inspector made changes to the Council's supply position at the recent examination and instructed the Council to *'Remove from supply'* following evidence presented at the hearings and in written responses. As such, the Council does not require the site to be developed in order to meet its housing requirements. This is further supported by the fact that the Council can demonstrate a 10.2 year housing land supply.

Whilst housing figures set out in the LP are to be considered as targets and thus a minimum requirement, the substantial supply of land and completion rates over the past few years demonstrates that development of 43 dwellings on this green field site would simply add further to an excess supply, which in the current Climate and Environmental Emergency is wholly unacceptable.

Both the Council and the Inspector deleted the site from the LP and have not directed any new residential developments to this side of Thirsk at all. As such, the site is completely within the open countryside and would fall under Policy S5. Agricultural land and buildings do not constitute brownfield land and therefore

as such any development on the site should comply with national planning policy. The proposal is not for an agricultural/forestry workers dwelling or for a specific purpose requiring a rural location and as such does not comply to policy. Nor is the proposal for a rural/entry level exception site.

Furthermore, as not allocated, the site would fall under LP policy HG5 for windfall development. For market towns development of windfall sites should be located within the built form of development (set out in Policy S5). For *'Service, Secondary and Small Villages'* the policy dictates that development could be supported, subject to meeting criteria, adjacent to the built form. As Thirsk is a market town, being adjacent to the built form is not supported and as such, the proposals have to be considered contrary to policy.

The applicant's Design and Access Statement demonstrates that this site is to be considered as the first phase of a wider development which would come forward in future years. The Council would find it hard to defend boundaries of the current proposed site if it was to be approved given the intentions of the applicant and the precedent that would be set. The cumulative impact of the wider development would be to significantly reduce the distance between Thirsk and South Kilvington and impact the setting of a key gateway into Thirsk.

It is recognised that the proposals present opportunities for biodiversity through the site and whilst this should be welcomed, no use of the DEFRA v3.0 metric has been demonstrated to ensure a minimum of 10% biodiversity net gain can be achieved as required via the Environment Act and as directed by the NPPF paragraph 174d.

Finally, the proposed site is located adjacent to Whitelass Beck which feeds into Cod Beck. The LP recognises the importance of the green setting of the market town setting out at paragraph 2.17 that *'the green wedges which intersect the town, running almost into the market place, are a distinctive feature. The Cod Beck watercourse that runs north to south through the town plays an important role as a green infrastructure corridor.'* The image below demonstrates the countryside nature of the proposed site north of Stoneybrough Lane and south of the Whitelass Beck. The proposal would not 'round off' housing developments and would in effect create a new 'estate' within the rural location completely contrary to the strategic direction of the new LP.



©google maps

CPRENEY consider that to defer away from the newly adopted LP at this stage in the Plan period will cause significant problems for the Council for the rest of the plan period and undermine the settlement hierarchy for the district via the likelihood of similar proposals throughout the plan area.

Conclusion

CPRENEY welcome the opportunity to comment on this application for 42 new residential dwellings at Stoneybrough Lane in Thirsk.

The site is no longer allocated in the Local Plan having been requested to be removed by the Planning Inspector following the recent examination in public. The Council, supported by the Government's Planning Inspector, therefore consider that there are other more suitable and sustainable sites to develop across the district. To defer away from the settlement hierarchy at this early stage in the plan period would render indefensible boundaries and cause a dangerous precedent.

Furthermore, the site is wholly located in a countryside location, does not meet the criteria for countryside dwellings nor affordable exception sites. It is not supported by the Council's windfall policy for market towns which encourages such development to be within existing built-up areas.

The applicant has also not demonstrated that the delivery of a minimum 10% requirement of Biodiversity Net Gain through the use of DEFRA's v3.0 biodiversity metric as required by the Environment Act.

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