

16 November 2017

17/04318/OUTMAJ

Outline application for up to 87 dwellings with access considered.

Land Comprising Field At 438887 468593 Church Lane Kirby Hill North Yorkshire

Dear Sirs

CPRENY has examined the files related to the above application and objects to the proposal in its current form. We support the local Parish Council's objection to the **principle** of this large application.

We have carefully examined the the application and are of the opinion that the harm of this proposal outweighs the benefits and therefore we object to the application and respectfully ask that this application be refused.

Kirby Hill is categorised as a C-band Settlement within the hierarchy of both the current and emerging Local Plans, which allows "limited growth within the settlement boundary, and small scale 'rounding off' development." - a proposal for 87 dwellings out-with the village boundary within the open countryside is not 'small scale' and neither can it be considered as rounding off - given the extent it protrudes out in to the open countryside beyond all other built development.

Over development of this settlement is a key concern especially given the size of developments which have already occurred within the boundary.

In March 2015, HBC published its Strategic Housing Market Assessment (SHMA) providing an up to date assessment of housing need throughout the Borough. It is understood that the updated position is that HBC possesses a 4.2-year supply of housing land including a 20% buffer.

The recent High Court Ruling (Richborough Estates) makes it clear that just because a Local Planning Authority does not have a demonstrable five-year supply and therefore housing policies cannot be considered to be 'up-to-date' does not mean that restrictive policies are too.

The weight to be given to a restrictive policy (or any other policy) was stated to be 'a question of planning judgement'. Therefore, the fact that this site is currently within the 'open countryside' should be given considerable weight in the planning balance when determining this application. This site has not been included within the emerging Local Plan and the settlement is Group C as stated above, with this in mind, more sustainable locations have been identified ahead of this site and Core Strategy Policy SG3 still applies,

which aims to protect the open countryside outside of defined development limits, for the determination of planning applications.



The image illustrates the rural setting of Kirby Hill, surrounded by farmed land and clearly illustrates that further development of this village is unacceptable.

Further information:

1 Size and Scale

The 2011 Census reports 391 inhabitants of Kirkby on the Hill. A proposal to build 87 dwellings Based on 82 being more than one bedroomed indicates a minimum increase of 169 persons against a settlement of 391 (approx) representing a 43% percent increase in the village. A increase of such magnitude presents a serious risk to the sustainability and well being of the existing community.

In terms of size and scale a development such as this outside development limits presents a unacceptable risk and harm to the character and appearance of the small rural village.

2 Unacceptable impact on the character and appearance of area

Area 81 Landscape and Character Assessment clearly states:

Large-scale development cannot be easily accommodated without further detriment to landscape character.

Without doubt, 89 homes and associated infrastructure is a large scale development.

The guidelines within the Landscape Character Assessment for Area 81 go on to state:

Aim: To maintain the extensive views across and beyond the area.

New development must take account of openness and views and should not impact upon these valued characteristics. Extensive large scale tree planting, required to screen any new development, would be inappropriate to the area's characteristics and impact upon views. Similarly, development requiring large blocks of woodland screening should be discouraged here.

Small woodland blocks associated with appropriately scale development may help to integrate development with the landscape.

Aim: To integrate existing development.

Traditional villages are integrated with the landscape as they are intrinsically linked to field pattern and their edges are often softened by native hedges and trees.

We refer to comments regarding the Harrogate Local Plan Site allocations consultation comments where it is stated that:

“After public inquiries in 2003 and 2010, the Secretary of State concluded that the landscape to the north of Kirby Hill cannot assimilate large-scale development and that such proposals would be contrary to the Harrogate District Landscape Character Assessment. The site options north of Kirby Hill which were identified at consultation stage have therefore quite correctly been excluded from this map. If they were included, the Local Plan would be in conflict with the Council's own planning policy framework and could be challenged by the local community at Public Inquiry.”

4 Unacceptable Loss of Best & Most Versatile (BMV) Agricultural Land

The Landscape Character Assessment for this area identifies this land as Grade 2 which falls into the BMV category of the Agricultural Land Classification. Grade 2 is stated as GOOD.

The Area 81 Landscape assessment also clearly stated that land use is predominantly arable with grass fields on the fringe of settlements, grade 2 agricultural land

How agricultural land, an important natural resource is used is vital to sustainable development. This includes taking the right decisions about protecting it from inappropriate development.

The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice:securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The application site is currently farmed and the map on the previous page illustrates this clearly. In view of the large scale developments within the Harrogate District, this land should be viewed as of high importance to the sustainability of the area and future generations.



image illustrates the setting of the 1000 year old heritage asset

Finally, it is our opinion that the proposal has the potential to adversely affect the setting of Heritage Assets in the area and draw your attention in particular to the Grade 1 listed All Saint's Church and its setting which dates back to 987 AD. Whilst we believe that the impact would be less than substantial, we refer later in this report to the Wymondham Abbey ruling.

The **setting** of a heritage asset is an important contributory factor to the 'significance' of the asset. **THE SETTING IS UNFIXED** as it represents the surroundings in which the asset is experienced. Immediate surroundings may provide the context in which an asset is understood. The church lies approximately 370 metres from the application site

History of the Grade 1 listed All Saint's Church

The nave is that of a little late Saxon and early Norman church, built with large irregular stones, some of which are parts of early carved slabs and cross shafts of Saxon origin. The partial West Tower, before its recent past rebuilding in 1870, was of slightly later date; late 11th century. The original chancel of this church has been destroyed, except, perhaps, a little of its North Wall. A North aisle was added about 1160 and, in the late 13th century, a North Chapel. In the 15th century, the chancel was lengthened and widened southwards to the line of the south wall of the nave, and in 1870 the North aisle was rebuilt. The porch is also of this date.

The site of the church at Kirby Hill is significant. It is on the highest point of the village, and in line with Aldborough (the Roman civil capital Isurium Brigantum) and other probable sites of the Roman crossings of the River Ure. It may be that the present church is on the site of a much earlier, sacred shrine, dating back to Roman or even Celtic times.

Domesday survey.

At the time of the Domesday survey, a 'manor' and six carucates at Kirby Hill belonged to Gospatric. The overlordship was held by the Mowbrays, who probably acquired it from Henry I. The church and one carucate of land were included in their foundation charter to Newburgh Priory 1170.

The impact on heritage assets such as Grade I listed buildings IS A MATERIAL PLANNING CONSIDERATION.

Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' (Paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in Paragraphs 126-141 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle.

Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.

Ref: Court of Appeal Judgement 18 February 2014 Barnwell Manor Wind Energy Limited v E Northamptonshire District Council and others.

In this case the judge rules that:

once the decision made finds SOME harm to a heritage asset, that harm should be given CONSIDERABLE WEIGHT, creating a “strong presumption” AGAINST the grant of planning permission.

Ref Wymondham Abbey:

In the appeal to the Secretary of State by Fairfield Partnership against South Norfolk District Council in relation to a 70 home application: The Secretary of State agreed with the Planning Inspector that although the harm caused to the setting of Wymondham Abbey “*would be LESS THAN SUBSTANTIAL*”, he also agreed that the Barnwell Manor judgement “*indicates that this should be afforded considerable weight and importance.*”

He shared the Inspector’s conclusion that under para 134 of the NPPF, the benefits of the scheme do not outweigh the less than substantial harm it would cause to the setting of the Abbey.

Wymondham Abbey originated in 1107

All Saint’s Church origins dated back to 986 AD

Taking all the points inconsideration, CPRENY is of the opinion that the harm of this proposal outweighs the benefits and substantial rationale exists to ensure a safe refusal of this application.

Yours Sincerely

JM W Marley
Chair