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Stephen Hunt Director of Planning and Development Management

Keyingham Parish Council
Saxby Cottage
Keyingham Road
Ottringham
HU12 0AL

Your ref:
Our ref: 24/00263/OUT
Enquiries to: Mr Daniel Allen
E-mail: daniel.allen@eastriding.gov.uk
Date: 3 May 2024

Dear Keyingham Parish Council

TOWN & COUNTRY PLANNING ACT 1990

Proposal:	Outline - Erection of 16 First Home dwellings including associated infrastructure (Access, Layout and Scale to be considered)
Location:	Land West Of Highfield Church Lane Keyingham East Riding Of Yorkshire HU12 9SX
Applicant:	Mr Kevin Thompson

You wrote to me about the above application, and I confirm that your views were taken into consideration when the application was discussed.

After taking all the relevant issues into consideration the Council has resolved to refuse planning permission for the following reason(s):-

1. Policy S4 of the ERLP SD states that development in the countryside should respect the intrinsic character of the site's surroundings. Policies ENV1 and ENV2, in the spirit of paragraphs 135 (a, b, and c) and 180 (b) of the NPPF and its accompanying guidance within the National Design Guide, requires, amongst other matters, development to add to the overall quality of the area; be visually attractive as a result of good architecture; be sympathetic to local character and history, including the surrounding built environment; and; be sensitively integrated into the existing landscape and demonstrate and understanding of the intrinsic qualities of the landscape setting.

The application site represents the first (or last, dependent on the route travelled) element of rurality in the landscape that surrounds the western side of Keyingham. Its character is formed by the open landscape with treed boundary behind (on the western approach), or with the verges and tree planting leading onto the rural landscape (when approaching from the east), with its openness extending the positive contribution made by the surrounding rural, relatively open land and landscaping to the character and appearance of the settlement and, to a degree, the setting of the Grade I listed Church of St Nicholas.

In contrast, given the topography of the site, the proposed development would, by reason of its scale and that of the dwellings proposed, and the layout and arrangement of the plots/dwellings, have a strong urbanising and domesticating effect on the site, which

Alan Menzies
Executive Director of Planning and Economic Regeneration

would be out of keeping with its current open, rural character. The development proposal would introduce substantial built form, particularly prominent in west to east views from Main Road. Overall, the proposal would completely change the character of the site and introduce permanent built development, eroding the rural and open character of the site and this part of the settlement. The introduction of the built development into this rural area would detract from the intrinsic character of the site's surroundings, and the development proposals are not considered to be of a scale and design that is appropriate to the role, character and appearance of the settlement.

Furthermore, the application also raises concerns from a conservation perspective, as the siting, scale, and layout of the development proposal would diminish, and so detract from, the setting of the Grade I listed Church of St Nicholas. This harm is considered to be less than substantial for the purposes of the policy test set out within the NPPF and the ERLP SD but, in this context, the degree of such harm is not outweighed by the moderate public benefits of the scheme.

Consequently, the proposal would significantly harm the rural appearance of the application site and intrinsic character of the surrounding Countryside and would not preserve the heritage asset in a manner appropriate to its significance. The proposed development is not of a scale and design that is appropriate to the character and appearance of the settlement, and so it would fail to comply with local design policies and standards. On this basis, the application is contrary to policies A5, S4 (sub-section C), H2 (sub-section C) ENV1 (sub-sections A.1, B.1, B.3, B.8 and B.14), ENV2 (sub-section A), and ENV3 (sub-section B.2) of the ERLP SD, relevant provisions within the Affordable Homes Update Written Ministerial Statement (2021) and NPPF, where paragraph 139 of the NPPF adds that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design', which includes provisions of the National Design Guide.

2. Paragraph 135 (f) of the NPPF seeks planning decisions which ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The thrust of this policy is emphasised within Policy ENV1 sub-section B.4 of the ERLP SD, where support is afforded to development that has regard to the amenity of existing and future occupiers of properties.

As a consequence of the layout and scale of the proposed dwellings at Plots 3, 4, 5, and 6, which are set in close proximity to the eastern boundary of Plots 2 and 7 and at a raised ground level, the development would have a detrimental impact upon the living conditions and residential amenities of future occupiers of these dwellings (Plots 2 and 7). Specifically, the likely siting of windows to habitable rooms at upper floor levels in close proximity to adjacent common boundaries would give rise to harmful opportunities for overlooking detrimental to these neighbours' privacy amenity.

On consideration of the above, the development proposals would not be acceptable in terms of the detrimental impact upon the living conditions of future occupiers, in conflict with the requirements found within Policy ENV1 sub-section B.4 of the ERLP SD and paragraph 135(f) of the NPPF.

3. Policy ENV1 of the ERLP SD requires development proposals to promote equality of safe access, movement and use. Paragraph 114(b) of the NPPF states that in assessing specific applications for development, it should be ensured that (inter alia) safe and suitable access to the site can be achieved for all users.

However, contrary to the above-mentioned provisions, insufficient information has been provided with the application to demonstrate that safe and practical access and egress to and from the site can be achieved for all users/vehicles. In the absence of such details the

development proposal would create a hazard to users of the highway, considered unacceptable and contrary to sub-section B.9 of Policy ENV1 of the ERLP SD and paragraphs 114 (b) of the NPPF.

4. The application does not include sufficient information for the Council to determine if the development is likely to affect the population of a European Protected Species (bats), which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), nor to evidence that the proposal would not have a significant effect on a European site (Humber Estuary) that could affect its conservation objectives.

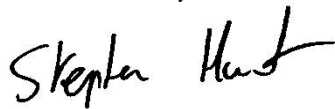
Considering this information is not currently available within this application, it cannot be concluded that the proposal would not have an adverse impact on protected species or habitats or on a European site designated for nature conservation, and is therefore in conflict with policy ENV4 of the ERLP SD, the NPPF and the Conservation of Habitats and Species Regulations 2017 (as amended).

In making this decision the Council has followed the requirements in paragraph 38 of the National Planning Policy Framework. However, as the proposal is contrary to established planning principles, it has not been possible to approve the application.

Please inform me if you require further details or an explanation of this decision.

The applicant has a right to appeal against the decision and I will write to you again if an appeal is received.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Hunt". The signature is written in a cursive, slightly slanted style.

Stephen Hunt MRTPI
Director of Planning and Development Management