do-not-
reply@ambervalley.gov.uk

From:do-not-reply@ambervalley.gov.uk
Sent:19 Jul 2021 08:19:58 +0100
To:Development
Subject:Online submission - comment on a planning application

Submitted via www.ambervalley.gov.uk/planning/development-management/view-a-planning-application/comment-form

Application details:AVA/2021/0765

Outline Permission sought for the principle of a constructing a new dwelling with all matters reserved**Title [redacted] o you want the comment you are about to submit to be shown on our website?**

Nam [redacted]

address:kirklangleyparishcouncil@gmail.com**Name of organisation (if applicable):**Kirk Langley Parish Council**Do you wish to object?**Yes**Grounds for objection:**Objection is made to the application for a residential development within the garden of Christmas cottage, The Green. The grounds of the objection are that it is contrary to the policies of the Kirk Langley Neighbourhood Plan (KLNP) and the Local Plan.

Location
The following policy deals with the location of new development: -

HOUS 2 POLICY:
a) Kirk Langley village - new housing will be supported on land within or adjacent to the "built framework" of the village;
Outside of these two locations, the area is classed as "open countryside" and new build dwellings will not be supported unless one or more of the circumstances set out in paragraph 79 of the Framework apply. The conversion of farm buildings and extensions of existing buildings will be supported outside these areas.
The KLNP defines the "built framework" as "the limits of continuous or contiguous development forming the existing built up area of a settlement". Using this definition, the built framework of Kirk Langley village on the western side of Church Lane does not extend beyond Tudor House Farm on Church Lane. The Burras or Burrows Field acts as the break to development along this route. On the opposite side of the road, the village hall marks the end of continuous or contiguous development.
Conservation Area
This proposed dwelling lies within the Conservation Area (CA) and the relevant KLNP policy is HER2. From the details the applicant has provided, it is not apparent how the proposal "demonstrate(s) regard for the significance of the Conservation Area" as it must

in order to comply with this policy. The plot also lies adjacent to a significant local historical asset, namely Mapple Well, which is also within the CA.
The CA description (Appendix 3 to the KLNP refers to the Church Lane/The Green area in the following terms:-
2.7 "A change in economic climate and the agrarian economy appears to have led to the shrinkage of this settlement and the wholesale loss of 17th century or medieval houses along Church Lane. Most sites were not redeveloped. During the 18th century, large courtyard-based farms were established, which consolidated the fields into larger dairy holdings and established large working farm complexes. The result is a dispersed and long settlement pattern with some groups of linear farm buildings lining sections of the route and a number of detached farmsteads. The settlement is now spread out and open in character, augmented by mature trees of 18th and 19th century origin, with extensive views between Church Lane and its agricultural setting. Large gaps between the clusters of remaining buildings are now seen as part of an open and rural landscape setting to the buildings. Building platforms and 'humps and bumps' can however be identified throughout the settlement and these contribute considerably to its historic character and contain very high undisturbed archaeological potential for remains of buildings of 17th century and earlier origin.

3.6.....Within the village, Church Lane has more 'breathing space', with wide grassed verges, and a range of boundary treatments to the properties and fields either side (see sections 8 & 9).

5.7 .....The final cluster of workers' cottages along Church Lane, at the Green, lies outside the Conservation Area. At the time of designation, they were considered to "lack architectural and historic interest" such that their "inclusion would undermine the historic importance of the Conservation Area as a whole12". Today we might recognise the contribution these dwellings make to the 'story' of mediaeval Kirk Langley, being constructed on the edge of the village green. They are clearly marked on the 1837 Enclosure map, along with Morley's Footway, along which they were built.

5.8 From this point, the character of Kirk Langley becomes very agricultural, with the Conservation Area embracing Green Foot Farm to the south and its sheep pastureland. The Area boundary follows the hedgerowed ancient field boundaries of the mediaeval village running broadly parallel to Church Lane to the south.

7.2 Features of local interest include the pound near the Red House, the public well on Church Lane towards the end of the village and the field barn on Burrows Field Lane
This description makes it clear that the spaces between buildings are as vital as the buildings themselves in maintaining the "story" of Kirk Langley. It is this story which the CA seeks to preserve. The spaces between buildings also includes gardens, as well as fields.
The dwelling at Christmas Cottage is a modern building, built in a traditional style and originally permitted within the last 20 years or so as an agricultural tied cottage. The tie was later removed upon application. It was therefore allowed, as a departure from the local plan, because it was deemed to be necessary to support the rural economy. Apart

from barn conversions at The Homestead and Meadow View, it is the only dwelling which has been permitted inside the boundaries of the CA along Church Lane and the Green since the CA designation.
Although it is not part of the history of Kirk Langley, Christmas Cottage sits not only within the CA but is also adjacent to a "feature of local interest"; the Mapple Well. Development in the proposed location will affect the setting of the Mapple Well and hence its significance. The NPPF at para 201 states that loss of a building (or other element) which "makes a positive contribution to the significance of the Conservation Area .....should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area ...as a whole". Although it is not suggested that the well would be removed, without appropriate investigation, there is a danger of undermining this important feature by physical or visual intrusion or both. The proposed building may compromise the culvert which flows into the well, by undermining its structure. This aspect would need to be explored in detail prior to any decision to allow this development to proceed. This is important for two reasons; firstly, the well is an intrinsic and important aspect of the CA as it provided water for the workers cottages at the Green and Church Lane historically, and secondly, any interference with drainage in this area could create problems for the properties lower down on Church Lane.
Drainage
This area suffers from surface flooding from time to time. Any alteration to the surface water run-off in this area or to the culvert is capable of affecting not only neighbouring properties but also the wider environment. Parts of Church Lane are sensitive to intense rainfall events due to water run-off from higher elevations, such as The Green. The culvert is an important drainage feature. This issue engages the following policy from the KLNP: -

POLICY: ENV5
Development should not increase the risk of flooding and/or drainage problems. In addition to the flood risk assessed by the Environment Agency and identified on Figure 36, there are flood risks created by surface run-off which are referred to below and illustrated on Figure 37. Proposals for new development must demonstrate that the development will not increase the flood risk at the specific site or elsewhere.....

The Landscape and views

Policy ENV2 in the KLNP states:
"To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural "feel" and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1".
This development is in a sensitive location and will be visible from the footpaths at higher elevations in the immediate area. The impact is difficult to assess because the

applicant has given no indication of elevations.
Planning law
Planning law requires that applications for planning permission be determined in accordance with the development plan (which now includes the KLNP), unless material considerations indicate otherwise. Although the Local Plan is out of date in terms of its housing policies, and the presumption at para 11d may therefore apply, there are a number of policies which still carry weight relating to the environment and heritage. In addition, it is submitted that para 14 of the NPPF applies in this case. This means that "the adverse impact of allowing development that conflicts with the KLNP is likely to significantly and demonstrably outweigh the benefits".

Local Plan
The AV 2006 Local Plan saved policies applicable to this application are: EN1, which does not permit development outside the built framework of settlements (using the same definition as the KLNP) unless certain exceptions apply. It is submitted that none of the exceptions apply in this case. There is no wider public benefit resulting from this development.

Policy EN27 also applies, "Planning permission will only be granted for development proposals within and adjacent to Conservation Areas.....if they would contribute to the preservation or enhancement of the Conservation Area.....". It is submitted that the plans offer no such contribution or enhancement.**General comments:**

Confirm you are human:GDPRTick this box to confirm that you have read and understood the above: True