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## Appeal Decision

Site visit made on 23 August 2016

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 September 2016**

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**Appeal Ref: APP/Y2736/W/16/3147620**

**Land adj 5 Hall Drive, Sand Hutton, North Yorkshire, YO41 1LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Professor Colin Garner against the decision of Ryedale District Council.
  - The application Ref 16/00009/FUL, dated 23 December 2015, was refused by notice dated 29 February 2016.
  - The development proposed is described as "repair and reinstatement of the walled (former kitchen) garden to Sand Hutton Hall and erection of two detached dwellings, with access from a shared private drive linking to Stamford Bridge Road".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - whether the proposal is justified, having regard to the provisions of the development plan relating to the location of housing development and the protection of heritage assets;
  - the effect of the proposed dwellings on the character and appearance of the local area, having regard to their design; and
  - the effect of the proposed development on highway safety.

### Reasons

#### *Development Plan*

3. Policy SP1 of the Ryedale Plan – Local Plan Strategy 2013 (RLP) establishes a settlement hierarchy to direct new development and growth to the more sustainable locations in the district. These are identified as the Principal Towns of Malton and Norton, which are the primary focus for growth; the Local Service Centres – Market Towns of Pickering, Kirkbymoorside and Helmsley, which are the secondary focus of growth; and ten settlements known as Local Service Centres – Service Villages, which are the tertiary focus for growth.
  4. Sand Hutton is not one of the settlements identified within the settlement hierarchy for growth and as such it falls within the 'other villages' category. However, the appeal site lies outside the development limits for Sand Hutton,
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- defined in the RLP, meaning that for planning purposes it is regarded as being within the open countryside.
5. Policy SP1 indicates that within the open countryside development will be restricted to certain types of development including that which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or which can be justified in order to secure significant improvements or conservation of significant heritage assets in accordance with the National Enabling Development Policy and policy SP12 of the RLP.
  6. The Council states that it has a five year housing land supply and the appellant indicates that he does not seek to advance a case that paragraph 49 of the Framework is engaged on the basis of the absence of a five year housing land supply. Accordingly, from the evidence before me I consider that, in so far as policy SP1 of the RLP can be considered to be a relevant policy for the supply of housing, it is up-to-date. Furthermore, it is broadly consistent with the advice in the Framework that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst others, where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
  7. The appellant contends that Sand Hutton functions as an important commuter dormitory for York and that the proposed development would meet a demand for high quality executive housing for people working in the City whilst also contributing to the vibrancy of Sand Hutton. However, such development is not identified in policy SP2 as being the type of new housing which would be allowed in the wider countryside in order to achieve the sustainable objectives of the RLP. Furthermore, the supporting text to policy SP2 indicates that in order to support the strategy of the RLP new homes built in the wider countryside will be related to local housing need as opposed to externally driven demand.
  8. I note that the development limits were originally defined in the previous Local Plan. However, they have been carried forward into the RLP and define the boundary within which development will generally be acceptable. I acknowledge that the Planning Practice Guidance indicates that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided, unless their use can be supported by robust evidence. However, it seems to me that in this case the development limit boundaries are clearly intended as a tool to implement the development strategy of the RLP which seeks to direct new development to the most sustainable locations and is consistent with the sustainable principles of the Framework.
  9. Although the RLP indicates that the development limits will be reviewed where appropriate as part of the Local Plan Sites Document, the Helmsley Plan or Neighbourhood Plans and will be redefined to incorporate new land allocations identified through these documents there is nothing in the evidence before me to suggest that they will be reviewed so as to include the appeal site, which lies well outside the existing development limits, within any future development limits boundary for Sand Hutton.

10. The appeal site does not relate closely to the existing built form of the village where the majority of development is located alongside Main Street, Gate Helmsley Road, Hall Drive and Stamford Bridge Road. Although it lies to the rear of No 5 Hall Drive it does not relate to the existing development along Hall Drive, which is a cul de sac, but is rather an isolated site within the countryside to the south of the village which is accessed by a long private unmade track off Stamford Bridge Road. Accordingly, the appeal proposal would result in the development of two isolated homes in the countryside and would not result in a sustainable pattern of development.
11. The appellant does not seek to argue that the proposed development is necessary as 'enabling development' as provided for by policies SP1 and SP12 of the RLP but does suggest that it is consistent with policy SP12 of the RLP and the Framework in that it would provide the opportunity to conserve a feature of local heritage interest.
12. The evidence indicates that the appeal site is the former walled garden of Sand Hutton Hall which was demolished in 1971 and the appellant contends that, as the only remaining element of the estate of the Hall, the walled garden is a non-designated heritage asset of local value that is worthy of preservation. However, as I saw from my site visit there is little of the walled garden remaining. The appeal site comprises an area of mainly grassland enclosed by three brick walls which are the east, west and south walls of the former garden. The north wall, bothies, glasshouses, vinery, sheds and furnaces having all been removed in the intervening period since a previous planning application on the site was considered in 2011.
13. The appeal proposal would utilise the remaining walls of the former walled garden as the garden boundaries for the proposed dwellings. Whilst I accept that what remains of the former walled garden may have some historical and cultural value, it seems to me that any significance it may have had as a non-designated heritage asset has been diminished by the loss of the various architectural elements and that accordingly the remaining walls alone do not have sufficient value to constitute a non-designated heritage asset worthy of retention. I am not persuaded therefore that the proposed development which is otherwise contrary to the development strategy of the RLP would be justified on the basis of it providing the opportunity to conserve a non-designated heritage asset as provided for by policy SP12 of the RLP.
14. Having regard to all of the above therefore, I conclude that the appeal proposal is not justified, having regard to the provisions of the development plan in relation to the location of housing development and the protection of heritage assets. It would conflict with policies SP1 and SP2 of the RLP which seek to direct new residential development to sustainable locations and manage the delivery and distribution of new housing which are given full weight in my consideration of the appeal.

#### *Character and appearance/Design*

15. As indicated above the appeal site does not relate closely to either the existing built form of the historic core of the village or to the existing development along Hall Drive. Accordingly the proposed dwellings would be seen mainly in the context of the remaining red brick walls of the walled garden and the wider open countryside within which they would be located.

16. The proposed dwellings would be of a simple contemporary design which would use materials sympathetic to the wider local vernacular complemented by the introduction of more contemporary materials such as glass, zinc and charred timber cladding. They would be located in the position of the former structures within the garden and would have varying ridge heights which would serve to reduce their scale and visual impact when seen in the context of the surrounding area.
17. Having regard to all of the above therefore, the proposed dwellings would be of an innovative contemporary design which in itself would not materially harm the character and appearance of the local area. Therefore, in this respect the proposed development would comply with policies SP16 and SP20 of the RLP which taken together seek to ensure that development proposals respect the context and character of their surroundings. It would also comply with the principle of the Framework requiring good design.
18. In the light of my findings in relation to the first issue regarding the heritage value of the remaining walls, policy SP12 of the RLP as referred to in the Council's decision notice would not seem relevant to my consideration of this issue. Indeed I note that it is not referred to in the Council's appeal statement in relation to this issue but rather policy SP20 is instead.

#### *Highway Safety*

19. The proposed dwellings would be served by an existing un-adopted private track off Stamford Bridge Road which at this location is derestricted and has no footways or street lighting. To the south of the junction of the access track with Stamford Bridge Road the road bends to the east and has a high hedge on the inside of the bend. When travelling from the south this restricts the visibility of vehicles coming into and out of the access track which would serve the proposed dwellings such that the required forward visibility stopping distances would not be provided by a significant margin. The appellant does not dispute this.
20. The latest TRICS database indicates that the proposed dwellings would generate a rate of 8.5 trips/day and the appellant contends that this would not materially change the traffic activity at the site access junction when compared with its previous use. Whilst I note that part of the appeal site had previously been used as allotments that use has now ceased. In any event the traffic generated by such a use would likely to have been irregular and seasonal whereas a residential use would generate a regular traffic use. Furthermore, I am mindful that the trip rate generated by the TRICS database does not take into account the size of the dwellings and in my view it would be likely that the two proposed six bedroom dwellings would exceed this trip rate, particularly given the rural location of the site.
21. I note that there is no record of serious accidents along the road or in the vicinity of the junction with the access track. However, given that the evidence indicates that the total daily flow of vehicles in both directions on Stamford Bridge Road is around 1300 this would seem to indicate that it is not a 'lightly trafficked' road as suggested by the appellant. Although there are other existing accesses in the vicinity which do not meet the required standards, this does not serve to justify the intensification of this access thereby increasing the likelihood of it causing harm to highway safety. Furthermore, there is no

substantive evidence to indicate that drivers do or would adjust their driving habits to take account of the reduced visibility.

22. The appellant suggests that the Highway Authority could exercise its powers to require the hedge to be cut back to the highway boundary. However, any improvement to visibility which could be provided by this would be marginal and the required stopping distances would still not be provided. Accordingly, having regard to all of the above I cannot be satisfied that to allow the proposed development which in this case would not meet the required forward visibility stopping distances by a significant margin would not cause harm to highway safety. As such it would not therefore comply with the advice in the Framework that safe and suitable access to the site should be achieved for all people.
23. The various mitigation measures suggested by the appellant which relate to additional signing would not serve to overcome my concerns in this respect. In any event the evidence indicates that such signing would not meet the Highway Authority's highway signing policies and practices which mirror national guidance.

*Other material considerations – sustainable development*

24. Paragraph 7 of the Framework sets out three dimensions to sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and to achieve sustainable development should be sought jointly and simultaneously.
25. The appeal proposal would provide housing development which may provide some short term employment opportunities during the construction phase and then in the longer term by the contribution of future occupants to the wider local economy. However, given the scale of the proposed development any economic benefits in these respects would be very limited.
26. In terms of the social dimension the proposal would make only a limited contribution to the supply of housing given the scale of development. Furthermore, there is nothing in the evidence to indicate that the proposed dwellings would provide a type of housing development that would meet locally generated housing need as defined in policy 21 of the RLP. The location of the proposed development within the countryside and isolated from the nearest settlement of Sand Hutton which, in any event, has only limited services and facilities, would mean that the appeal proposal would make little, if any contribution to supporting any local rural community and would be likely to result in the need for the occupants of the proposed dwellings to travel to access services and facilities in higher order settlements.
27. Taking account of all of the above therefore, although the appeal proposal would fit some of the economic and social dimensions of sustainable development the adverse environmental impact caused by its unsustainable location would outweigh the very limited economic and social benefits and mean that on balance it would not comprise sustainable development.

**Conclusion**

28. To conclude therefore, although I have found that the design of the proposed dwellings would not materially harm the character and appearance of the local area, the proposal for housing in this location would not be justified by the

provisions of the development plan in relation to the location of housing development and the protection of heritage assets. Furthermore, I cannot be satisfied that it would not cause material harm to highway safety. Accordingly, overall it would not accord with the development plan as a whole and would not comprise sustainable development.

29. For the reasons set out above and having regard to all other matters raised therefore, the appeal should be dismissed.

*Beverley Doward*

INSPECTOR