

Appeal Decision

Site visit made on 7 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 29 September 2016

Appeal Ref: APP/G2713/W/16/3152914

Land to rear of Jet Miners Inn, 61 High Street, Great Broughton, North Yorkshire TS14 7NG

- 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 Mr Patrick Willis against the decision of Hambleton District Council.
 - The application Ref 15/01144/OUT, dated 18 May 2015, was refused by notice dated 8 April 2016.
 - The development proposed is outline application for residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form stated that the appeal was against non-determination of the application; however the Council had by then issued its decision notice which was submitted with the appeal statement. The appellant subsequently confirmed that he was content for the appeal to proceed as against a refusal of the application.
3. I visited the site by way of a pre-arranged "access required" procedure such that the appellant's agent was present to afford entry into the site. Accordingly my visit was unaccompanied. At the end of my inspection the agent pointed out a building close to the appeal site that was in the course of construction, about which no details had thus far been provided by either main party. I later sought and received further written comments from both main parties as to its nature, planning status and significance, if any, in relation to the appeal. The comments received have been taken into account in this decision.
4. The Council has withdrawn its reason for refusal relating to the lack of affordable housing in the proposal. Consequently this is no longer an issue in the appeal.

Main Issues

5. The main issues are:
 - a. Whether the proposal would be acceptable in principle as being outside the development limits of Great Broughton; and
 - b. The effect of the proposal on the character and appearance of the area.
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Reasons

Whether location acceptable in principle

6. Great Broughton is designated as a service village in the settlement hierarchy of the Hambleton Local Development Framework Core Strategy 2007 (CS). The appeal site is close to the edge of the village boundary and its existing use is a caravan site. Save for a small part of the proposed access it is outside the Great Broughton Conservation Area. The Council has not suggested that the proposal would impact on the conservation area or its setting and from what I have seen and read I have no reason to disagree.
7. It is noted in the supporting text to the strategic spatial policies that in the countryside outside service villages, development will only be permitted in exceptional circumstances. CS Policy CP1 supports development that, among other matters would protect and enhance the character and quality of local landscapes and the wider countryside, as well as the townscape and setting of settlements, whilst encouraging the use of previously developed land. Policy CP2 focuses on the need to minimise the need to travel. Both policies are applied to all development proposals, irrespective of location.
8. CS Policy CP4 provides for specific cases where development might be acceptable in principle outside settlement limits, for example to provide affordable housing to meet a local need. However it is accepted that the development is not designed to meet any of these criteria.
9. The National Planning Policy Framework (Framework) Paragraph 55 advises that housing should be located where it will enhance or maintain the vitality of rural communities. The Council has therefore adopted Interim Policy Guidance (IPG) to give more support to the sustainability of rural communities. It allows for small scale development next to the main built form of villages provided, among other matters that it would reflect the existing built form and character of the village whilst avoiding a detrimental impact on the open character and appearance of the surrounding countryside. The IPG is not part of the development plan, however it has undergone consultation and is a considered response to and consistent with, the aims of the Framework. As such it has moderately significant weight in this appeal.
10. Therefore although the site is outside development limits and fails to meet any of the exceptional circumstances in Policy CP4, the location of the proposal could be potentially acceptable in principle under Policies CP1, CP2 and IPG, subject to meeting their criteria which I consider further below.

Character and appearance

11. The Jet Miners public house (PH) is on the B1257 south of the crossroads that form the nucleus of the village around which development has proceeded, mostly in a cruciform pattern. The appeal site is behind the rear car park of the PH, bounded by hedges and trees. There are six static residential caravans, a log cabin, a toilet/shower block and two touring caravan pitches. Access is from High Street through the PH car park, about 78m in length. The surrounding land to north-east and south is agricultural. A public right of way runs north to south at the eastern end of the site.
12. Planning permission was granted on appeal for the caravans to be occupied as permanent residential units. Even so, their appearance is consistent with the

rural character of the countryside and their siting outside the village is appropriate for the holiday purposes on which it is understood the original permission was based.

13. The submitted plans show for illustrative purposes 5 proposed dwellings with access over the PH car park. It would thus be a small scale development, would not lead to coalescence of settlements, and it is undisputed that it could be accommodated within the capacity of existing infrastructure.
14. I saw that whilst the profile of development differs somewhat to the north of the crossroads where some "in-depth" development has occurred, the village south of Kirkby Lane/Ingleby Road is of a more definite linear pattern, including the section to the east of the B1257 where there is more or less uniform back line of development. A notable exception is the appeal site which projects into the open countryside where caravans can be partially seen from the High Street entrance. It could not therefore realistically be considered as a natural infill or extension to the existing settlement which retains an essentially cruciform and linear character.
15. It is said that the appeal site has more in common with the village than the rural setting of the village but this is difficult to appreciate given that it is bounded by open land on three sides. The site is screened by established trees and hedgerows and the new dwellings would be viewed partly against the backdrop of the village. However in walks along the public right of way the extent of their projection into the open fields would be marked, causing a loss of rural character to the setting of the village. This would add to the harm caused by the alteration to its linear character. The proposed layout would differ from the traditional pattern of homes with a street-facing format, and would have a poor spatial relationship with the built form of development prevailing on High Street.
16. Planning permission has recently been granted for a garage and store in connection with a tree surgeon's business. The building is in construction, close to the appeal site. It is a tall structure, reflecting the need to store large machinery. Although located outside the settlement limit it is within the plot of No 55 and does not extend alongside the appeal site. Its design resembles a typical agricultural building that would be found in a rural setting, and its projection beyond the edge of the village is significantly less than the proposed residential development. It does not therefore provide a compelling precedent for the appeal proposal.

Planning balance and conclusion

17. Drawing these matters together, I also take into account that the Framework highlights the need to significantly boost the shortfall in housing and that the appeal site being on the edge of a service village has a sustainable location in relation to the services locally available. In this respect I am not persuaded that there is a clear conflict with CS Policy CP2.
18. The Framework highlights that sustainability has three interconnected elements, social, economic and environmental. Adding up to five new housing units would make a small contribution the Council's housing supply and have some social and economic benefits in the construction phase and in the longer term, through support to local facilities. However in environmental terms the proposal would clearly fail to respect the linear nature of development along

the main road frontage and would cause fundamental harm to the character of this part of the village. The harm would not be outweighed by the advantages of the proposal.

19. I conclude that having regard to the prevailing form and character of development surrounding the appeal site, the proposal would not be supported by CS Policy CP1. It would also fail to meet the criteria of the IPG in that it would not reflect the existing built form and character of the village, and would have a detrimental impact on the open character and appearance of the surrounding countryside. This policy and guidance are consistent with the Framework, especially Section 7 which although encouraging optimisation of potential development sites, is concerned to ensure that new development responds to local character and reflects the identity of local surroundings.

Overall Conclusion

20. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR