

Appeal Decision

Site visit made on 3 October 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/V2723/W/16/3153331

Land adjacent to The Dairy Barn Hurgill Road, Richmond, North Yorkshire DL10 4TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Frazer Toogood against the decision of Richmondshire District Council.
 - The application Ref 15/00046/OUT, dated 27 January 2015, was refused by notice dated 4 February 2016.
 - The development proposed is the “change of use to create a new single dwelling”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Plans accompanied the planning application showing one way that the site could possibly be developed. The plans were marked as being indicative and the proposal was made in outline form with access being the only detailed matter for consideration at this stage. I will consider the proposal on that basis.

Main Issue

3. The main issue is the suitability of the site for the proposed dwelling having regard to the accessibility to services as well as the priorities and opportunities for housing developing within Richmond.

Reasons

4. The appeal site is located within the rural outskirts of Richmond. It is situated close to Hurgill Road which leads uphill out of the town. The appellant accepts that the site lies around 60m outside of the development boundary of Richmond. The settlement boundary was defined within the Richmondshire Local Plan, 1999-2006 adopted September 2001 (LP). Policies should not be considered out of date simply because of their age or because they predate the National Planning Policy Framework (the Framework).
 5. Policy CP4 of the subsequent Richmondshire Local Plan Core Strategy 2012-2028, adopted 9 December 2014 (CS) cross refers to the development limits defined within the LP pending more up to date development plans or land availability policies. The CS was adopted following publication of the
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Framework and confirms that Richmond is a principal town and a main local focus for housing and employment.

6. The Council accepts that sites outside of the settlement boundary will need to be developed before the end of the 16 year CS plan period. The appellant has referred to the Strategic Housing and Employment Land Availability Assessment identification of land including the site having potential for development over the next 11 to 15 years. However it is not explained whether further sites are required to meet housing supply needs over the next 5 years.
7. The site is close to footpaths that lead downhill alongside Hurgill Lane into Richmond. It is close to existing residential areas although a significant walk to services and facilities within the town. Paragraph 4.4.7 of the CS explains that location criteria seek to ensure that development is well-related to settlements and that priority should be given to sites within settlement development limits where such developable opportunities still exist.
8. I have no evidence to indicate that higher priority, more accessible sites are unavailable. My interpretation of this Policy background is that when sites within settlement limits have been developed but housing needs still exist, sites less well related to the settlement and less accessible to services can be considered. This seems to me to be consistent with the approach within the Framework which whilst promoting sustainable development in rural areas seeks to avoid isolated homes in the countryside. From the information available to me, I can find no clear inconsistency between policies for the supply of housing and the Framework.
9. Although the site is close to other dwellings, it is not close enough to the town centre to convince me that prospective occupants would not rely upon private vehicle use to reach day to day services and facilities. It has not been demonstrated that the proposal is necessary having regard to accessibility to services or the priorities and opportunities for housing development elsewhere within Richmond. It is in the countryside and isolated from services for the purposes of the Framework. In relation to the main issue, the site is therefore unsuitable for the proposal as the location does not comply with CS Policy CP4 or the Framework.

Other Matters

10. The Council has introduced concerns regarding the effect of the proposal upon the high quality landscape. The addition of one dwelling alongside Hurgill Lane extending the line of development could be achieved without causing harm to the qualities of the surrounding landscape. The additional household would not cause unacceptable highway safety concerns and the construction could minimise other environmental impacts. The lack of harm in these respects is a neutral rather than positive factor.
11. The Council's Planning Officer recommended approval of the planning application and the appellant went through a pre-application submission before that process was commenced. The report refers to the relationship of the site to the settlement needing to be given due weight. However in these circumstances based upon the evidence in front of me, it is not clear that the weight should be substantial. The appellant controls land that extends around the rear of the Dairy Barn, linking up with the development limit of the town. I

recognise that the pre-application process led to a change of site area but this does not alter the position of this site or the merits of this case. Other potential sites nearby have been referred to but again, they do not affect the merits of this case.

12. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with s.38(6) Planning and Compulsory Purchase Act 2004. The above other matters do not outweigh my conclusions on the main issue including the conflict with the development plan.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR