
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: 04 November 2016

Appeal Ref: APP/H2733/W/16/3153132

Land Adjacent to Fieldside, Main Street, Flixton, North Yorkshire YO11 3UD

- 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 Dan Oram against the decision of Scarborough Borough Council.
 - The application Ref 16/00066/OL, dated 26 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is outline permission for a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been confirmed in writing that the appellant remains Mr Dan Oram and not Dr David Perkins as shown on the appeal forms.
3. The appeal relates to an outline proposal and all detailed matters are reserved for future consideration.
4. A unilateral planning obligation under Section 106 (S106) of the act has been submitted. The intention is to pay a contribution towards the provision of affordable housing however no amount is specified. The S106 has no effect other than to secure a monitoring fee but there would be no requirements to monitor. Given my decision, I do not need to consider this matter further.

Main Issue

5. The first main issue in this case is whether this is a suitable site for the proposed dwelling having regard to the accessibility of the location to services and facilities as well as the needs of the appellants. The second is the effect of the proposal upon the character and appearance of the countryside.

Reasons

Accessibility of the location

6. The appeal site is a field on the edge of a line of dwellings. This is a rural area but which includes some other facilities such as an industrial estate and other small businesses. The Council state that the site is outside of any defined settlement and that is confirmed within the original planning statement submitted with the application. The appellant considers that he currently lives
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within Flixton village but the appeal site is not within a defined development limit for the purposes of Policy E.1 of the Scarborough Borough Local Plan, adopted April 1999 (LP).

7. Although the LP is of some age, the National Planning Policy Framework (the Framework) makes clear at paragraph 215, that due weight should be given to relevant policies according to their degree of consistency with the Framework. Policies should not be considered out of date simply because of their age or because they predate the Framework.
8. The Council states that there are sufficient sites to enable a 5 year supply of housing. There is no submitted evidence to lead me to a contrary view. The appeal referred to (APP/E2001/A/14/2214364) concerning land in East Riding was subject to very different circumstances because the Council could not demonstrate a deliverable 5 year housing supply. In that case, relevant policies for the supply of housing were not therefore up to date.
9. LP Policy E.1 states that land outside of defined development limits of settlements will be regarded as open countryside where development will be strictly controlled. It goes on to explain that residential development will only be permitted where (amongst other things) it is essential to the needs of agriculture or forestry or there are other exceptional circumstances.
10. The Framework at paragraph 55 states that isolated homes in the countryside should be avoided unless there are special circumstances. There are dwellings and places of potential employment nearby but I could not see day to day services and facilities in close proximity that would be required by a household such as schools, shops or health facilities. It seems from submitted evidence and my view of the area that occupants would be largely reliant upon private vehicles for such services and facilities. I do not consider that there is any significant inconsistency between LP Policy E.1 and the Framework. As well as being within the open countryside for the purposes of LP Policy E.1, the site is also isolated for the purposes of the Framework.
11. The existing garden centre business is located close to the site and the appellant refers to its continued growth over the past 20 years. It has also diversified into renewable energy and electrical services. The submitted evidence states that living within a nearby village would restrict the opening hours of the garden centre and that speedy access is required to the electrical stores in the event of an emergency. It is not clear from any evidence why that is the case. Based upon the information before me I am not convinced that living elsewhere within a reasonable travelling distance of the site would make any difference to opening hours or the viability of the business.
12. Additional staff may also be required. It is not satisfactorily explained why the business cannot recruit from outside of the family to overcome the difficulties caused by the recent death of the appellant's grandfather and declining health of his father. The appellant's current address is stated on the planning application forms as being at Three Acres which is close to the appeal site, on the same side of the road. The original supporting statement submitted with the planning application says that the appellant used to live there. Whether he does or does not live at Three Acres, the family do own a property nearby where a worker essentially required and who is able to take part in the business could live. There are personal circumstances including the health

concerns and the appellant having been recently married but these are not of any significant weight in my assessment of the circumstances.

13. Even though living at the site may be desirable for the appellants in financial and practical terms, these circumstances do not appear to be special with respect to the Framework or exceptional as required by LP Policy E.1. In relation to the main issue, this is not a suitable site for the proposed dwelling having regard to the accessibility of the location to services and facilities as well as the needs of the appellants. This would not comply with the Framework or LP Policy E.1.

Character and appearance

14. The site would be the continuation of a line of dwellings alongside the road. However, although this is isolated from services, the position close to these other buildings means that there would not be a noticeable intrusion of built or 'ribbon' development into the open countryside.
15. In relation to the second main issue, the proposal would not have a harmful impact upon the character and appearance of the countryside. In this respect the proposal would not breach LP Policy E.1.

Other Matters

16. The proposed submission Scarborough Borough Local Plan is still at an early stage towards adoption. Its policies have little weight and do not assist the appellant's case.
17. The lack of harm in terms of the character and appearance of the area, highway safety and lack of impact upon neighbouring residents are neutral factors. These other matters and my conclusion on the second main issue do not outweigh my conclusion on the first main issue.

Conclusion

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

Andy Harwood

INSPECTOR