

Appeal Decision

Hearing held on 28 September 2016

Site visit made on 28 September 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 8 November 2016

Appeal Ref: APP/N2739/W/16/3145158

Land to the northeast of Church Lane/Weedling Gate, Stutton, Tadcaster, North Yorkshire LS24 9BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr K Tillett against Selby District Council.
 - The application Ref 2015/0868/OUT, is dated 27 July 2015.
 - The development proposed is outline application for a detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr K Tillett against Selby District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The proposal seeks outline planning permission, with all matters of detail reserved for future consideration. I have treated the drawing submitted showing an indicative position of the proposed access position on Church Lane as illustrative.

Main Issue

4. The main issue is whether the proposal is a sustainable form of development having regard to the Council's spatial strategy for new housing, 5 year housing land supply and the location of the site outside of the development limits of Stutton.

Reasons

5. The appeal site comprises part of a field in grazing use located at a crossroads forming the junction of Church Lane with Weedling Gate. Three sides of the crossroads are within the defined settlement limits of Stutton. The appeal site occupies the fourth remaining side and lies outside, but adjacent to the settlement boundary. It is agreed that the site is within the countryside.
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Development Plan

6. The development plan consists of the Selby District Core Strategy (2013) (Core Strategy). The broad principles of the development strategy for the District are set out in Policies SP2 and SP5 of the Core Strategy. These policies, amongst other things, identify a hierarchy of settlements and the distribution of new development based on a sustainability analysis of their ability to accommodate growth. Stutton is identified as a 'Secondary Village'. The Core Strategy identifies that further planned growth would not be appropriate in these settlements as they are generally less sustainable than local service centres and designated service villages. It identifies that, across the District as whole, secondary villages would be expected to accommodate a minimum of 170 dwellings during the plan period 2011 to 2027. The Council has provided evidence that demonstrates that the 170 dwelling figure has already been reached.
7. The approach towards development in the countryside is set out in Policy SP2A(c) of the Core Strategy which restricts non-allocated development outside development limits to specific circumstances which do not apply in this case. In not meeting any of the stated exceptions, the proposed development would be contrary to this policy.
8. However, the appellant has argued that the Council may not be able to demonstrate a deliverable 5-year housing land supply and that Policy SP2A(c) and policy SP5 of the Core Strategy may not consequently apply. As these policies are related to the supply of housing, paragraph 49 of the National Planning Policy Framework 2012 (the Framework) advises that they should not be considered up to date if the local planning authority cannot demonstrate a 5-year supply of housing sites. In such circumstances, applications should be considered in the context of a presumption in favour of sustainable development.

Five-year requirement

9. Policy SP5 of the Core strategy requires the delivery of 7,200 dwellings between 2011 and 2027 at a minimum delivery rate of 450 per annum. The appellant has argued that at the time of submission of the application the Council could not demonstrate a deliverable 5-year housing land supply. In addition, although the Council's latest published information suggests there is a 5 year supply this may not be the case as a number of points of clarification regarding the calculation of the 5 year supply were previously unanswered by the Council.
10. The Council has recently published a report to its Executive regarding the position in relation to 5 year housing supply. An appendix to the report, '5 Year Housing Land Supply Report 2015-2016, Position at 31st March 2016', sets out the methodology for calculating the supply. This identifies that on 31st March 2016 the Council had a 5.9 year supply of housing.
11. At the hearing each of the points of clarification previously raised by the appellant were considered with reference to the calculation methodology contained within Table 4 of the appendix. Whilst there was no demonstrable evidence presented to suggest that the calculation methodology may not be robust, it was clear that the greatest risk to the deliverable 5 year housing land supply, as far as the appellant is concerned, relates to a willingness of land

- owners and developers to develop sites, particularly those with outline planning permission.
12. To be considered deliverable, footnote 11 of the Framework sets out that sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.
 13. I consider that the Council's evidence of their recent communication with developers and landowners regarding the deliverability of sites from 1st October 2015 to 1st October 2020 is sufficient to demonstrate that the expected deliverable supply in that period, as set out in Table 5 of the appendix, is robust. Whilst the appellant contends that a log of telephone conversations should have been maintained to record developer/land owner responses to the Council's requests on site deliverability, I nevertheless have no reason to doubt the accuracy of the published information contained within the appendix.
 14. Given the above, I consider that there is no substantiated or robust basis to conclude that the Council does not have a deliverable 5-year housing land supply at this particular point in time. Consequently, the full weight of policies SP2A and SP5 of the Core Strategy apply. Given that the site is outside the development limit, the proposal would directly conflict with these policies thus undermining the established settlement hierarchy. As such it would not be in accordance with the development plan.

Sustainability

15. Stutton is located approximately 1km from Tadcaster which is identified in the Core Strategy as a Local Service Centre. Both main parties accept that Stutton is served by a bus service running every 2 hours between Tadcaster and Sherburn in Elmet and the services within the village are limited to a community managed public house. A surfaced unlit public footpath leads from Church Lane to a small parade of shops, including a post office, located on the outskirts of Tadcaster which I identified at my site visit was within a ten minute walk from the appeal site. However, realistically I consider that development in this location would inevitably lead to regular travel outside the village primarily by private car.
16. Core Strategy Background Paper No 5 considers the relative sustainability of settlements in the District based on their size, access to services, accessibility and local employment. Stutton is defined as a category 4 settlement. This is the least sustainable of the four categories of settlement identified.
17. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. Policy SP1 of the Core Strategy reflects the paragraph 7 of the Framework by seeking to ensure that all new development is concentrated within sustainable locations.
18. Both parties agree that the proposed development would generate short term employment opportunities during the construction phase and provided a limited

Community Infrastructure Levy (CIL) contribution to help support local services. These economic and social benefits would gain some support from the Framework. However, these benefits must be balanced against any adverse impacts.

19. The scheme would involve new hedgerow planting and owing to the topography of the appeal site and the existence of substantial boundary hedges to Church Lane and Weedling Gate, the visual harm would be limited. However, outside of the development limits Policy SP2A(c) places strict controls on new development to prevent the expansion of the built form of the settlement and pressure for services which cannot be supported. In addition the need to travel outside the village to access some key services and employment cannot be overlooked. The environmental dimension of sustainability includes the need to move to a low carbon economy. Notwithstanding, the proximity of Stutton to Tadcaster, I consider that future residents would be reliant on car use and would therefore not meet that requirement.
20. Taking these factors into account, I consider that building on a greenfield site within the countryside and being contrary locational strategy of the up to date development plan would not accord with the environmental dimension of sustainability. In addition, the fact remains that the required minimum housing target across secondary villages, as a whole, has been met. Consequently, the continued expansion of Stutton would undermine the spatial integrity of the development plan and the ability of the Council to deliver a truly plan-led approach. These factors outweigh the limited social and economic benefits.
21. Given the above and having had regard to the policies of the Framework as a whole, I conclude that the proposed development would not amount to a sustainable form of development and would thus be contrary to Policy SP2A(c) of the Core Strategy and paragraph 14 of the Framework.

Other matters

22. The appellant indicated that the field that includes the appeal site was previously considered by the Council as a potential site for Gypsies and Travellers. The Council confirm that the site was one of 60 sites that was identified for such potential in the 'Site Allocations Development Plan Document (Preferred Options) September 2011'. Such sites were originally promoted for housing/employment development by land owners and subsequently discounted for such uses. In the absence of any sites being promoted for Gypsy and Traveller uses by land owners, the Council suggest that these discounted sites were subsequently evaluated for their potential uses as Gypsy and Traveller site.
23. This document identifies that these sites were subject to more detailed analysis of a number of factors which included a requirement to be located within 5km of a Principal Town, Local Service Centres and/or Designated Service Villages and within a 2km walking distance of a village. The appellant suggests that as the site was considered for such use then the Council must have taken a view that it is situated in a sustainable location.
24. This document identifies a number of factors that are relevant to the consideration of the suitability of sites for Gypsies and Travellers which raise some very different issues to the consideration of the suitability of a site for housing development. In this case the site was discounted in not meeting

parts of the evaluation criteria. Given the fact that the site was only considered as a potential Gypsy and Traveller site due to the lack of any alternative options and was subsequently discounted, I do not consider that these circumstances suggest that the site was considered as being a sustainable location for new development. Consequently, I have attached little weight to this matter.

25. Both parties referred to other planning and appeal decisions within the District for residential development outside of settlement limits. However, I do not have full details of the nature of the proposals or the circumstances and considerations that were relevant to their determination. Consequently, I cannot be sure that these are representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conclusion

26. Taking the above matters into account, the Council is able to demonstrate a deliverable five-year housing land supply and the proposal would undermine the established settlement hierarchy. In addition, the lack of services and facilities in Stutton suggest that the proposal would not constitute sustainable development. In my judgement the harm arising from the proposal does not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Derek McKenzie MRTPI McKenzie Town Planning Ltd

Mr Keith Tillett Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr Simon Eades Senior Planning Officer

Mr Richard Welch MRTPI Planning Policy Officer

Ms Fiona Elwood MRTPI Planning Policy Officer

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 5 Year Housing Land Supply Report 2015-2016, Position at 31st March 2016.

Document 2 2016 Strategic Housing Land Availability, August 2016.

Document 3 Copy of representations received on behalf of Stutton Parish Council dated 7 September 2015.

Document 4 Completions of residential development within secondary villages.

DOCUMENTS RECEIVED (BY AGREEMENT) FOLLOWING THE HEARING

Document 5 Site Allocations Development Plan Document (Issues and Options) January.

Document 6 Site Allocations Development Plan Document (Preferred Options) September 2011.

Document 7 E-mail correspondence regarding site deliverability.