The Planning Inspectorate

# Appeal Decision

Site visit made on 24 October 2016

**by Philip Lewis BA (Hons) MA MRTPI**

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

**Decision date: 18 November 2016**

**Appeal Ref: APP/G2713/W/16/3155789**
**Ship Service Station, Low Worsall, Yarm TS15 9PH**

- 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 Paul Neasham against the decision of Hambleton District Council.
- The application Ref 16/00556/FUL, dated 8 March 2016, was refused by notice dated 24 June 2016.
- The development proposed is extensions and alterations to form a dwelling.

## Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to form a dwelling at the Ship Service Station, Low Worsall, Yarm TS15 9PH in accordance with the terms of the application, Ref 16/00556/FUL, dated 8 March 2016, subject to the attached schedule of conditions.

## Procedural matter

2. I have taken the site address from the appeal form as it is more accurate than that set out in the application. The description of development in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

## Main Issue

3. The main issue for the appeal is whether the appeal site is in a sustainable location, having regard to national and local policies relating to the location of new housing development.

## Reasons

4. The appeal site consists of land and buildings at the Ship Service Station. The Service Station, which includes a dwelling, forms part of a small group of buildings with the Ship Inn and All Saints Church on the B1264 road, close to the village of Low Worsall. The appeal proposal relates to the redevelopment of existing buildings at the Service Station.

5. Policy CP4 of the Hambleton Local Development Framework Development Plan Document Core Strategy 2007 (Core Strategy) sets out that development

outside of development limits will only be supported when an exceptional case can be made in terms of Core Strategy Policies CP1 and CP2 and where certain criteria are met. The appeal site does not fall within a defined settlement. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities such as development in one village may support services in a village nearby. To update its policy following the publication of the Framework, the Council, in 2015, prepared Interim Policy Guidance (IPG) in respect of small scale housing development in villages. The IPG supports small scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where certain criteria are met. The Council also produced an updated settlement hierarchy.

6. Low Worsall is included in the updated Settlement Hierarchy as an 'Other Settlement'. The IPG states that 'Other Settlements' are unlikely to be considered sustainable unless they form part of a cluster with other villages and that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. The IPG sets out that a cluster is unlikely to constitute a sustainable community if there are few services or if there are significant distances between settlements. The figure of approximately 2km is given in the IPG.

7. In this case, the appeal site is within walking distance of Low Worsall which I note has a range of services and facilities, which include a church, a village hall, and a public house/restaurant. Whilst the IPG does not identify Low Worsall as forming a cluster with other nearby rural settlements, the appellant has provided evidence regarding the range in the provision of services and facilities in Yarm, a market town in a neighbouring local authority area. The Council has stated that Yarm town centre is about 4.5 kilometres from the appeal site, a figure which has not been challenged by the appellant, with the nearest food store as being about 2.7 kilometres, primary school about 2.9 kilometres, railway station 2.8 kilometres and supermarket 3.4 kilometres.

8. I saw at my site visit that there is a surfaced footway between the appeal site and Yarm. Whilst the road is not lit near the appeal site, it does provide the opportunity for access to services and facilities in Yarm to be taken on foot or by bicycle. I note also that there is a more direct footpath link to Yarm, but it would not be an all-weather option.

9. Given that the proposal is for a single dwelling and the availability of services and facilities in Low Worsall and Yarm and the options for more sustainable travel modes to be used, I do not consider that the proposal would give rise to significant harm in respect of additional travel by private car. I have considered that the distances to the nearest shop and school exceeds the distance set out in the IPG, but on the balance of evidence before me, I consider that the appeal site has convenient access to them and is sufficiently close to the services and facilities in Low Worsall and those in Yarm. Consequently, I consider that the appeal site to be in a sustainable location in terms of the IPG and paragraph 55 of the Framework.

10. The Council has in its reason for refusal referred to the policy aim of relieving pressure on the open countryside. Given that the appeal scheme involves the

redevelopment of existing buildings at a developed site, I do not consider that the proposal conflicts with the development plan in this regard.

11. I have given consideration to the planning history of the appeal site and in particular the planning permission (Ref 15/01306/MRC) dated 25 September 2015. This permission removed an occupancy condition in respect of a permitted dwelling forming an annex to the Ship Service Station, which it is stated was of the same form as the appeal proposal. This permission expired on 26 June 2016, but was extant at the time that the application subject of this appeal was made.

12. Whilst I have considered the Councils comments regarding further permission being required in respect of a change of use of the annex, planning permission 15/01306/MRC in effect allowed the approved building to be occupied as an independent dwelling. The Council concluded in respect of that proposal that the site is in a sustainable location, which accords with my findings in this appeal. Although the Council had given some weight to the approval for the annex in making its decision to allow it to be occupied independently, I do not agree that this would have a significant bearing on whether the site is sustainably located and it has not been demonstrated that the sustainability or otherwise of the location has since changed.

13. Paragraph 55 of the Framework also sets out that isolated new homes should be avoided in the countryside unless there are special circumstances. In this case, given that the appeal site falls within a group of buildings including the dwelling at the Service Station and the public house and its relative close proximity and accessibility to Low Worsall, I do not consider the appeal site to be 'isolated' in the context of sustainable development as set out in paragraph 55.

14. To conclude on this matter, I consider that the appeal site is situated within a sustainable location. Whilst the appeal proposal does not accord fully with Core Strategy Policy CP4, I do not consider this policy to be up to date in respect of the Framework. I consider that the appeal proposal does not conflict with the development criteria as set out in Core Strategy Policy CP1 or with Core Policy CP2 which is concerned with minimising the need for travel. It also accords with the policy for sustainable development in rural areas as set out in paragraph 55 of the Framework. Additionally it consider that it does not conflict with the guidance set out in the IPG.

**Conditions**

15. I have reviewed the conditions suggested by the Council against the Framework and PPG and have revised some of those suggested in the interests of clarity and to accord with national policy and guidance. I have attached conditions in regards of timescale and specifying the plans as that provides certainty. I have attached a condition in respect of the external construction materials of the proposed development in the interests of the character and appearance of the area. I have also attached a condition in respect of an assessment of the risks posed by contamination in the interests of preventing pollution given the previous use of the appeal site and a condition in respect of car parking in the interests of highway safety.

## Conclusions

16. Paragraph 49 of the Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. I consider that on the balance of the evidence before me the appeal site is sustainably located and that there are no adverse impacts which significantly and demonstrably outweigh the benefits of the appeal scheme when assessed against the policies of the Framework taken as a whole. For the above reasons and having considered all matters raised, I consider that the appeal should be allowed.

*Philip Lewis*

INSPECTOR

## Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 105:13/01 Rev A and 105:13/02 Rev E.

3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

5) No dwelling shall be occupied until parking facilities have been constructed in accordance with details set out on the approved drawing no.105:13/02 Rev E. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.