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: 21 November 2016

Appeal Ref: APP/G2713/W/16/3154912
The Paddocks, Swainby, North Yorkshire DL6 3AU

- 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 John Swales against the decision of Hambleton District Council.
- The application Ref 16/00444/OUT, dated 22 February 2016, was refused by notice dated 1 June 2016.
- The development proposed is described as *outline application for planning permission to construct a single dwellinghouse*.

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline, with all matters of detail except access reserved for future consideration. The submitted proposed site and location plans show the illustrative site layout and proposed access and I have had regard to these in determining the appeal. I have taken the appeal site address from the Council's decision notice as it is more succinct than that set out in the application.

Main Issues

3. The main issues for the appeal are:

   - Whether the appeal site would constitute a suitable site for housing development having regard to national and local policies relating to sustainable development; and

   - The effect of the appeal proposal on the character and appearance of the area.

Reasons

Sustainable development

4. 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 and

in policy terms should be considered as falling within the countryside in the context of Policy CP4.

5. To update its policy following the publication of the National Planning Policy Framework (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 in 2014. Furthermore, the appellant has stated that the Council cannot demonstrate a five year supply of deliverable housing sites and therefore the relevant policies for the supply of housing should not be considered up to date. The Council has not offered any contrary evidence in this regard. Core Strategy Policy CP4 in being concerned with the location of development, is concerned with the supply of housing and should not be considered as being up to date.

6. The appeal site is not situated within a defined settlement within Hambleton District. It is however, near to the village of Swainby, which is within the North York Moors National Park. The appellant has stated that Swainby is identified as a local service village in the National Park Authority Local Plan. Swainby has a range of services and facilities including a primary school, church, public houses and access to public transport.

7. Paragraph 55 of 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. In this case, the appeal site is within walking distance of the centre of Swainby. Although there is no dedicated crossing on the A172 and the road is unrestricted near the appeal site, I saw at my site visit the provision of footways and street lighting. Consequently, I consider that the road should not be a significant barrier to the future occupants of the dwelling from using sustainable means of transport to access services in the village, such as in trips to the village school. The provision of one dwelling would make a modest contribution to the vitality of the village and would reduce the need for the appellant to travel to work.

8. Paragraph 55 of the Framework also sets out local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Such circumstances include the essential need for a rural worker to live permanently at or near their place of work; where such development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or be of an exceptional quality or innovative design.

9. I have found that the appeal site to be situated outside of the village of Swainby, from which it is separated by the A172 and its wide verges and the intervening commercial building and storage areas. It does not form part of a settlement, in that the group of buildings it is situated to the rear of are not residential. Consequently, although the appeal site is within walking distance of Swainby it is clearly outside of the village and is not closely situated with other dwellings. Whilst the appeal site may not be considered to be remote, I

nevertheless consider that for the above reasons, the proposal would give rise to an isolated new home in the countryside.

10. I have considered that the appellant operates two businesses adjoining the appeal site and the comments that the provision of a dwelling would improve security and supervision of the site and enable more efficient and productive operation. I have also considered the comments regarding the proposal having an impact on the continuing viability of the businesses, future potential to create additional jobs and their sustained contribution to the local economy, rural regeneration and employment diversification. However, I have been provided with little details of any such benefits. I have also taken into account the appellants personal links with Swainby, that his children attend school there and that the development would reduce journeys from the appellants rented home in Welbury. However, on the balance of the evidence before me, I do not consider that it has been demonstrated that there are special circumstances for an isolated new home in the countryside.

11. To conclude on this matter, the appeal site does not constitute a suitable site for housing development. The appeal proposal would conflict with Core Strategy Policy CP4 and the guidance set out in the IPG. In that it may support the services and facilities in a village nearby it would accord in part with Core Strategy Policies CP1 and CP2. It would however give rise to an isolated new home in the countryside for which no special circumstances have been demonstrated. The proposal therefore does not accord with paragraph 55 of the Framework in this regard.

Character and appearance

12. The appeal site consists of an area of land to the rear of commercial premises on the A172 road, including part of a hardsurfaced area and a soil mound. I saw at my site visit that the appeal site forms part of a larger area of land which is relatively narrow in width and extends deeply back from the A172. The appeal site has agricultural land to one side and the rear with the boundaries largely marked by hedges.

13. The village of Swainby is situated to the south of the A172 from the appeal site. I saw at my site visit that there are wide grass verges on the southern side of the A172, which separate it from the rear of properties on Blackhorse Lane in Swainby. I consider therefore that whilst the appeal site is near to Swainby, it is clearly separated visually from the main body of the village. The proposed dwelling would be situated to the rear of existing buildings on the A172, and extend development out away from the developed road frontage towards the undeveloped countryside.

14. Whilst the existing buildings and hedges would screen much of the appeal site, the proposed development of residential buildings and gardens would be visible from the A172, which is situated at a higher level. Although all matters are reserved for future consideration other than access, I consider that the siting of the proposed development significantly to the rear of the existing commercial building away from the road frontage, would give rise to a development which would not reflect the form and character of settlement in the area. I note the appellants comment that the proposed dwelling would respect local vernacular, but it would however appear as an intrusive feature in this location and give rise to harm to the character of the area.

15. I have considered the appellants comment that the development would put little pressure on the countryside, as it involves previously developed land and not agricultural land and that the dwelling and garage would be sited on the existing hardstanding. Nevertheless, I have found that the appeal scheme does not reflect the existing built form of settlement in the area and would extend built development back from the road frontage into land which is not occupied by buildings. I have also considered the comment regarding the landscape, but do not agree following my site visit that it lacks intrinsic character. I have taken into account the comments regarding the development limiting the extent of outside storage at the site and in respect of the provision of landscaping, but on the balance of evidence do not consider that the proposed development would give rise to a net improvement in the appearance of the site.

16. To conclude on this matter, I consider that the appeal proposal would give rise to harm to the character and appearance of the area, contrary to Core Strategy Policy CP16 which is concerned with preserving and enhancing the districts natural and manmade assets. It is also contrary to Policy DP30 of the Hambleton Local Development Framework Development Policies Development Plan Document 2008 which is concerned with protecting the character and appearance of the countryside. The proposal also does not accord with the IPG in that it would not reflect the existing built form and character of the area and would give rise to a detrimental impact on the open character and appearance of the surrounding countryside.

Other matters

17. I have considered the comments by the appellant regarding the development of further commercial buildings at the site, but have not been provided with details of any such scheme so as to determine whether such a fallback position exists. I have also taken into account the supporting representations. I note that the site is outside of the flood risk area and have taken into account the development plan policies and the policies of the Framework referenced. These matters have not however led me to a different conclusion.

Balancing and conclusion

18. Although the proposal would be contrary to Core Strategy Policy CP4, this policy cannot be considered to be up-to-date and the proposal should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 49 of the Framework. In paragraph 7, the Framework sets out three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role and in paragraph 8 the Framework sets out that these roles are mutually dependent and should not be undertaken in isolation.

19. The appeal proposal would bring some economic benefits and support local services. Although the appellant has stated that the proposal would support the existing business at the site, I have little information in this regard. In terms of the social dimension, the appeal scheme would provide an additional dwelling and make a small contribution to the supply of housing and help to maintain the vitality of local services. In respect of the environmental dimension of sustainable development, whilst the proposal may reduce the appellants need to travel and provide unquantified biodiversity benefits, I have

found that it would give rise to significant harm to the character and appearance of the area.

20. In the overall planning balance, I consider that the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole and the appeal proposal cannot be considered to constitute sustainable development for which the Framework has a presumption. For the reasons given above, and having considered all matters raised, I consider that the appeal should be dismissed

Philip Lewis

INSPECTOR