

Appeal Decision

Site visit made on 31 October 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 24 November 2016

Appeal Ref: APP/G2713/W/16/3154439

**Half Acre House, Station Road, Kirklington, Bedale, North Yorkshire
DL8 2NG**

- 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 Ken Raisbeck against the decision of Hambleton District Council.
 - The application Ref 16/00899/OUT, dated 18 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is described as outline application for the construction of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appealed scheme is an outline application with all matters reserved. A new access is shown on the block layout plan from the new house through the drive serving the host property. That plan shows part of the new drive outside the western edge of the application site (the application site boundary clearly coincides with the western edge of the host's side extension which is proposed to be demolished). The block plan also shows a new single garage in place of the existing double garage but it is outside the application site. Consequently neither the full extent of the access as shown on the block plan nor the replacement garage as shown can be considered as part of the appeal proposal. Nevertheless account is taken of the general intended layout and the intentions of the appellant as found in the appeal statement, in my decision.

Main Issue

3. The main issues are firstly, whether the general location of the appeal site is acceptable in principle for residential development; and secondly, the effect of the proposal on the character and appearance of the area.

Reasons

Whether location acceptable in principle

4. Despite its name Half Acre House is set in about one acre of land. The new dwelling would be sited in a new plot formed from a paddock area at the rear of the host property. This area is considerably overgrown, scattered with various items of equipment and partly used for keeping chickens.
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5. The appeal site is in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. Therefore Policy CP4 of the Hambleton Local Development Framework: *Core Strategy* 2007 (CS) would permit new development in this location only if supported by Policy CP1 whose aims include protecting the setting of settlements, and Policy CP2 which focuses on the need to minimise the need to travel. New development must also meet specific criteria in Policy CP4 which are not argued for in this appeal.
6. The National Planning Policy Framework (the Framework) at Paragraph 55 promotes sustainable development in rural areas, seeking to locate housing "*where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby*". National Planning Practice Guidance advises that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.¹
7. In response to national policy the Council published an "Interim Policy Guidance Note (*Development in Rural Settlements*) – Adopted for Development Management Purposes 7 April 2015" (IPG). Kirklington is again defined as an "Other Settlement" where small scale development adjacent to the main built form of the settlement will be supported if it results in incremental and organic growth. The IPG does not replace the development plan but it is a considered response to and consistent with Framework aims, so it carries some weight.
8. Under the IPG, when considered as a cluster with other villages, development in "other settlements" may be considered sustainable. As a guide cluster villages would include a Service or Secondary Village, or be a group of smaller settlements close enough to function together, ie about 2km apart.
9. The appellant acknowledges that the distance to Carthorpe is about 2.9km and the closest Secondary Village is Burneston, more than 3.5km away. The road to Carthorpe is unlit and has no footways but is within cycling distance. Kirklington has very few facilities, among them a church, pub and a well-used village hall, including use by Burneston residents. Primary school age children in the village travel by bus to local primary schools in Burneston or Pickhill up to 4km away.
10. It seems to me that the proposal would support several facilities and services in nearby villages including schools where it is in the catchment area of two low occupancy rural schools. The evidence in this appeal suggests that Kirklington has other economic and social links through the use of shops and community facilities such that provision of a single dwelling adjacent to its built up area could support more sustainable living and meet the IPG's criteria.
11. Whilst the village itself lacks the capacity to form a sustainable community, the distances to nearby villages are not significantly outside the general guidelines. In rural locations with limited public transport, there will inevitably be more reliance placed on private cars. The distances involved should in my view be balanced by the evidence as to their connectivity through mutual use of services and facilities. I consider that IPG criterion 1 would be met as the proposal would be located where it will support local services including services

¹ Paragraph: 001 Reference ID: 50-001-20160519

in a village nearby. It would also be accommodated within the capacity of existing village, and cluster village infrastructure in accordance with criterion 5.

12. I conclude on this issue that although the location of the site does not meet any of the exceptional circumstances in CS Policy CP4, and is therefore contrary to the development plan, the proposal for a single dwelling could be potentially acceptable in principle having regard to the Framework at Paragraph 55 and the relevant criteria of the IPG.

Character and appearance

13. The Council's IPG sets out further criteria for the acceptability of small scale housing in villages. They include the need to reflect the existing built form and character of the village, and to have no detrimental impact on the natural or built environment.
14. The appeal site is at the rear of existing dwellings fronting Station Road in a village with a prevailing pattern of development where the main elevations front the street, establishing a strong sense of place in the streetscape. There are a few examples of backland development in the wider area, and whilst some of these layouts may be acceptable in principle, the proposed house would be directly to the rear of Half Acre House with a narrow shared driveway through the existing plot. This would result in an incongruous change to the character of the rear of these properties, typified by their back gardens of generous length and open land that relates to this domestic ancillary use, including a further paddock area owned by the appellant to the east and south.
15. Furthermore the proposed drive would divide the residual part of the plot of the main house, separating it from its parking area. This would be an unsatisfactory arrangement that would be made more awkward if, as seems to be contemplated in the submitted block plan, the parking for the new and host dwellings comprise two spaces in tandem, immediately in front of a new single garage, considerably impeding manoeuvring of vehicles and access to them.
16. Several nearby residents have expressed fears that the appeal scheme is in effect a precursor to further development proposals that would infill the rest of the land controlled by the appellant, at the rear of the Station Road houses. Whilst it might indeed be possible to read the indicative layout in this way I must determine the application before me on its own merits.
17. I conclude on this issue that the proposal would be contrary to the IPG, criteria 2 and 3 in that it would not reflect the existing built form or character of the village. The replacement of the existing side extension to the host dwelling would not be supported by CS Policy DP9 in light of the harm caused by the siting of the new dwelling that would substantially undermine the prevailing pattern of development in the locality. The harm would also be contrary to the aims of CS Policies CP1 and CP4 that include preserving the distinctiveness, character, townscape and setting of settlements.

Other matters

18. The Council considers that as the drive would serve a single additional dwelling it would be unlikely to have adverse effects on residential living conditions. Having considered carefully the comments of residents in adjacent properties, and from my observations on site there is the potential in the proposed scheme

in my view, for additional noise and disturbance from the extra vehicles coming and going to the site that could be detrimental to the enjoyment of the contiguous garden areas. This adds to my concerns.

19. Due to the appellant's restricted mobility, he and his wife would occupy the new bungalow, whilst a family member would move to the host dwelling to support them. The appellant would accept a condition requiring the dwelling to be occupied by persons over 50, as a starter home or as an affordable home, or with occupancy being tied to the main house. None of these options however would overcome the concerns I have on the second main issue.
20. National Planning Practice Guidance advises that a condition that would restrict occupation solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building. On the limited information available I am not persuaded that such an exceptional need justifies a permanent dwelling in this location.
21. If the appeal were not successful the appellant states that the main dwelling will be extensively extended, by which I understand that, as a minimum, permitted development rights would be exercised. An extension might in the circumstances be an alternative scenario; however given the lack of detail and the fact that some larger extensions are subject to a prior approval procedure, I am not convinced that it would be more detrimental to the built environment than the appeal proposal. I therefore give this matter limited weight.

Conclusion

22. I have found that a single new dwelling might in principle be appropriately located within the village as contributing to the sustainability of local services incrementally, based on the evidence before me of existing connectivity between this and surrounding villages. However the siting of the new dwelling would be inappropriately separated from the predominant form of development that has its main aspect fronting the street, and would cause fundamental harm to the existing character of the surrounding ancillary domestic uses to the rear of the Station Road properties. This would be contrary to the development plan and outweighs other considerations raised in this appeal. The environmental harm would be such that, on balance, the proposal would not amount to sustainable development.
23. For the above reasons the appeal is dismissed.

Grahame Kean

INSPECTOR