

Appeal Decision

Site visit made on 15 November 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: 09 December 2016

Appeal Ref: APP/N2739/W/16/3157058

Land adjacent to Little Common Farm, Biggin Lane, Biggin, Leeds LS25 6HH

- 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 Mrs P Ratcliffe-Springall against the decision of Selby District Council.
 - The application Ref 2016/0154/OUT, dated 15 February 2016, was refused by notice dated 13 July 2016.
 - The development proposed is an outline application with all matters reserved for the erection of two detached dwellings on land at Little Fenton Field.
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved for the erection of two detached dwellings on land at Little Fenton Field, at Land adjacent to Little Common Farm, Biggin Lane, Biggin, Leeds LS25 6HH in accordance with the terms of the application, Ref 2016/0154/OUT, dated 15 February 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The proposal seeks outline planning permission, with all matters of detail reserved for future consideration. I have treated the drawings submitted showing an indicative site layout and the position of the proposed access position on Biggin Lane as illustrative.
3. At the time the appeal was submitted the Council indicated that it had a 5 year housing land supply. However, the Council have now advised that it does not have a five year supply of deliverable housing sites. I have therefore considered the proposal in the context of paragraph 14 of the National Planning Policy Framework (the Framework) which sets out the presumption in favour of sustainable development. It also states that where the development plan is absent, silent or out of date permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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
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land supply and the location of the site outside of the development limits of Biggin.

Reasons

5. The appeal site comprises an agricultural field lying to the west of the village of Biggin and located between two existing properties, Springwell House to the west and Little Common Farm to the east. Biggin Lane is a relatively narrow road with a small cluster of residential ribbon development predominantly located on the northern side of the road with open countryside to the north and south. The Council indicate that the site is located outside the development limits for Biggin, being approximately 225 metres to the west of the defined development boundary. As such, it lies within open countryside.
6. The central area of the site is located within Flood Zones 2 and 3. Consequently, in order to avoid any development within these flood zones, the proposed dwellings would be located at the western and eastern parts of the site. The Council indicate that they would be separated by a distance of approximately 65m and therefore positioned approximately 26m away from the existing dwellings either side. The indicative site layout plan demonstrates that the site is capable of accommodating two dwellings of a scale and density that would be comparable to that of adjacent development on the north side of Biggin Lane.
7. Policy SP2 of the Selby District Core Strategy 2013 (Core Strategy) identifies Biggin as a Secondary Village. This policy sets out the spatial strategy for the district which identifies a hierarchy of types of local centres able to accommodate growth and development. This policy is consistent with paragraph 55 of the NPPF which states that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural services. In Selby District secondary villages are identified as the smallest least sustainable settlements where planned growth would not be appropriate but they do have scope for some additional residential growth to support rural sustainability.
8. The Council's approach to the consideration of new development within and outside of settlement development limits is set in Policy SP2A (b) and (c) of the Core Strategy. This policy, amongst other things, advises that limited amounts of residential development may be absorbed within settlement limits of Secondary Villages where it will enhance or maintain the vitality of rural communities. It also advises that development in the countryside will be limited to the replacement or extension of existing buildings and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and enhance or maintain the vitality of rural communities. Insofar as the policy relates to settlement development limits and, therefore, restricts the supply of housing, I consider the policy to be out of date. However, the objectives of achieving a sustainable pattern of development remain valid.
9. The Council has argued that the site is not suitable for housing due to its unsustainable location. However, paragraphs 7 and 8 of the Framework advise that there are three dimensions to sustainable development: economic, social and environmental that should be sought jointly and simultaneously through the planning system. I will now consider each of these in turn.

10. The appeal site is within a reasonable walking distance of the centre of the village and the appellant indicates that the site is within a 6 minute walk to the bus stop which provides access to Selby, nearby villages and local service centres.
11. Aside from one public house, Biggin has no day to day facilities. The nearest shops and community facilities are at Church Fenton and Sherburn in Emlet. The former has a railway station which is accessible by public transport. Although a proportion of local journeys may be made by bicycle, or public transport, given the lack of accessibility to shops and other services on foot, most journeys to and from the site are likely to be made by private motor vehicle.
12. Paragraph 35 of the Framework requires that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. However, the Framework also recognises that opportunities to maximise sustainable transport solutions will vary from urban and rural areas (paragraph 29). As such, a higher proportion of journeys by car may be expected within rural areas.
13. Taking these factors into account I consider that site is within adequate walking and public transport links to local facilities. Whilst it is inevitable that some services would be accessed by car, given the opportunity for walking, cycling and public transport use, I do not consider that the location of the appeal site would cause significant environmental harm. I have also taken into account the appellant's contention that modern villages are unlikely to be able to provide a wide range of services such as shops, schools and health care and that there is a need to consider sustainability more in terms of supporting broadband, public transport and provide sufficient rural housing to encourage productivity.
14. Given the relationship of the site to existing ribbon development along Biggin Lane, I do not consider that the proposed development would constitute an isolated home in the countryside. In my view, the proximity of the site to nearby properties and the centre of the village would allow for social interaction and help support the facilities within the village. Consequently, the proposed development would provide some positive social benefit.
15. Whilst the Council has not identified any economic harm, there would be some economic benefits associated with the construction of the proposed dwellings in terms of local employment and the supply of materials. On occupation there would be a small continued support towards local facilities and services as well as providing a modest contribution to housing supply. Overall, the proposed development would have some economic benefits and collectively these considerations are of very significant weight in favour of allowing the appeal.
16. I accept that the appeal site's location is at the margins of sustainability. However, it is situated close to the village centre where recent development has been permitted outside designated boundaries, and abuts the curtilage of existing residential development on two sides. As such it cannot be regarded as comprising isolated development in the countryside. The provision of two additional dwellings would also make a modest contribution to the supply of housing in the District and would support the retention and development of local services and community facilities in nearby villages, promoting the rural economy.

17. For the combination of these reasons, I conclude that the proposal would constitute sustainable development, when assessed against the policies in the Framework as a whole, in accordance with paragraph 14 of the Framework. Consequently, there would be no conflict with paragraphs 6, 49 and 55 of the Framework or Policy SP2 of the Core Strategy in so far as it remains relevant in relation to the principles of sustainable development.

Other matters

18. The appellant has drawn my attention to a planning permission recently granted for five dwellings at Cross Farm, Biggin located outside of, but adjacent to, the defined development limits for the village. Whilst this may be reflective of the Council's position in allowing sustainable development outside of development limits in circumstances where a 5 year housing supply cannot be demonstrated, I do not have full details of the circumstances which lead to the Council considering that development to be acceptable or the extent to which it may be comparable to the circumstances in this appeal. In any event I have determined this appeal on its own merits.
19. I have taken into account the concerns raised by adjacent local residents at the application stage. Whilst these do not generally object to the principle of the proposed development they do raise matters of detail relating to layout, siting, impact on living conditions and drainage. Whilst these matters are clearly important, they are related to detailed design issues rather than the principle of development. As this appeal relates to an outline with all matters reserved for future consideration, I am of the view that these matters can be adequately addressed and taken into account as part of a future reserved matters submission.

Conditions

20. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I have amended some of them for clarity for the reasons set out below.
21. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. I have specified the approved plans in the interests of certainty.
22. Given the existing narrow width of Biggin Lane, in the interests of highway safety I agree that a condition is necessary to requiring the access points into the site to be provided prior to the commencement of any development involving the construction of the dwellings. However, I do not consider that that Council's suggested condition is necessary as the details of access are to be required as part of the submission of reserved matters. I have therefore amended the suggested condition to identify the design parameters that such details should provide. I have also deleted reference to the Standard Details as these are documents of the highway authority and therefore may not be accessible to the appellant.
23. Given the proximity of Flood Zones 2 and 3, I agree that in the interests of the proper drainage of the site, conditions relating to foul and surface water drainage are necessary. I also agree that a condition relating to any

unexpected ground contamination is necessary in order to ensure that the proposed development can be safely undertaken and occupied.

Conclusion

24. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1. Plans and particulars of the reserved matters relating to the access, appearance, landscaping, layout and scale shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 001A – Site Location Plan; Drawing No 002- Site Block Plan; Drawing No 101 Proposed Site Block Plan.
5. The details of access as required pursuant to the requirements of condition No 1 above shall provide for the following:
 - a) The improvement of existing access with 6 metre radius kerbs, to give a minimum carriageway width of 4.1 metres and that part of the access road extending 6 metres into the site.
 - b) Construction details of the access road.
 - c) Provision for any gates or barriers to be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - d) Measures to prevent surface water from the site/plot discharging onto the existing or proposed highway and measures thereafter prevent such discharges.

Except for works involving the construction of the accesses, no other development shall occur until the access to serve the dwelling to be constructed has been provided in accordance with the approved details. Thereafter the accesses shall be retained.

6. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a scheme identifying the extent and type of contamination and a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved strategy.
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.