
Appeal Decision

Site visit made on 6 December 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/E2001/W/16/3157921

Common End Farm, Main Street, Thornton YO42 4RZ.

- 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 J White against the decision of East Riding of Yorkshire Council.
 - The application Ref: DC/16/01178/PLF/WESTWW, dated 7 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is the erection of a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) Whether the proposed development can be correctly identified as being sustainable;
 - (b) The impact of the adjacent architectural reclamation site on the living conditions of future occupants of the proposed dwelling.

Reasons

Sustainability

3. The East Riding Local Plan Strategy Document (LP) was adopted in April 2016. The LP sets out a settlement hierarchy and identifies settlements where development will be supported (Policy S3). Thornton is not one of those settlements. As such, in order for the proposal to attract support in policy terms it would need to meet one of the exceptions set out in Policy S4. It is not argued in this case that any of the identified exceptions to the restriction on development in the open countryside apply in this case.
 4. On the other hand I accept that the plot is located between existing dwellings in the centre of the small village of Thornton, and can reasonably be described as an infill plot. There has been no objection to the proposal on design grounds, and I am told that the Council accepts that the site can be regarded as previously developed land. But in policy terms it falls to be considered as being within the countryside.
 5. I am told that the Council can demonstrate over 6 years of deliverable housing land, and as a result the development plan is up to date and development
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which accords with its proposals can be accepted as sustainable development and permitted without delay. Conversely proposals which do not accord with the development plan cannot necessarily be regarded as sustainable and must demonstrate reasons for being permitted in conflict with the development plan.

6. The fact that the design of the development is acceptable, that the site has been previously developed, and that it would make a small contribution to housing supply does not, in my judgement, amount to reasons why the proposal should be permitted. The proposal therefore conflicts with Policy S4. So far as housing supply is concerned the Council has demonstrated that it has an adequate supply in any event. I note that the Appellant would live in the dwelling and that it would not be offered to the market but this seems to me to be of limited relevance in these circumstances. Given that the Appellant already lives in Thornton I cannot agree that this proposal would satisfy a local need.
7. Thornton has few services, and although Melbourne is not too far distant (with its shop, pub, bus service, school and village hall) I do not consider that the narrow unlit lanes between the settlements would be conducive to walking or cycling. It remains likely that residents would use the private car as the primary mode of transport. There is a limited bus service and the fact that the bus service is no better in Melbourne is of little assistance as Melbourne has other sustainable credentials.
8. I note that the Appellant has cited the planning permission granted for the change of use of a holiday cottage to self-contained dwelling nearby. I do not have the full particulars of that case but do not agree that the distinction between that case and the appeal case is a fine one. Clearly some residential use already took place there with associated comings and goings.
9. To sum up on this issue I find that the proposed site would be in an unsustainable location in policy terms given its conflict with the development plan and lack of justification sufficient to outweigh that conflict. It would also be locationally unsustainable.

Living Conditions

10. The Appellant is the owner of the adjacent house and land. Much of it is operated as an architectural salvage yard which wraps around 2 sides of the appeal site. It is also in close proximity to the dwellings to east and west of Common End Farm. There is nothing to dispute the Appellant's assertion that there have been no complaints about the operation of the salvage yard from adjoining occupants.
11. I note that the Appellant is intending to retire in the near future and it has been suggested that there is little likelihood of the salvage yard being purchased for commercial purposes. However there is no evidence to support that claim, and I cannot therefore discount the possibility of the yard continuing in commercial operation with a different, more intensive, user.
12. Although I accept that at present the use is relatively low key that has the possibility of changing in the future. In such circumstances the operation of the yard has the potential to impact upon the living conditions of future occupants of the proposed dwelling by reason of noise and disturbance from both commercial traffic and on site operations.

13. Policy ENV1 of the LP requires new development to have regard to the amenity of proposed properties. At present I cannot be sure that the amenity of the proposed dwelling in this case would be acceptable in the future. Hence the proposal would be in conflict with Policy ENV1.

Other Matters

14. I have taken account of the planning history of this site and that of surrounding properties. But the policy background and circumstances of each case are different and have changed over time. As such these matters do not assist in reaching a decision on this appeal.

Overall Conclusion

15. The proposed development would not be sustainable and would have the potential to be harmful to the living conditions of its future occupants. There is conflict with the development plan as set out. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR