
Appeal Decision

Site visit made on 4 October 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 18 January 2017

Appeal Ref: APP/N2739/W/16/3154318

Brocks Farm, York Road, Cliffe, Selby YO8 6NU

- 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 and Mrs Southern against the decision of Selby District Council.
 - The application Ref 2016/0128/FUL, dated 6 February 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of a detached dormer bungalow and garage following demolition of existing domestic garage/stable block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether or not the proposal would be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities.

Reasons

3. At the time of determining the planning application it was considered that the Council did have an up to date five year supply of housing land. However, subsequently, it has been confirmed that the Council does not have an up to date five year supply of housing land. As such, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the Council's policies for the supply of housing cannot be considered to be up-to-date. Consequently, in accordance with paragraph 14 of the Framework I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole or specific policies indicate that development should be restricted.
 4. Nonetheless, although out-of-date, I am required to give due weight to relevant local policies as they remain part of the development plan, which in this particular case is the Selby District Core Strategy October 2013 (the CS).
 5. The appeal site comprises part of the extended area of garden land associated with Brocks Farm and includes an existing building which contains four garages and stables. Also on the site are located two caravans. The development
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boundary for Cliffe runs through the appeal site. Indeed, it goes through the existing garage/stables building on the site. The proposed access would be located within the village, but the proposed dwelling would be outside and therefore in the countryside. Cliffe is designated as a Secondary Village according to the CS.

6. Policy SP2A of the CS sets out the Spatial Development Strategy for the District. Part a) of the policy states that the majority of development will be directed to towns and more sustainable villages. Cliffe is not considered to be one of the more sustainable villages and, in any case, the site the subject of the current appeal is outside the village's development limits. Therefore, Policy SP2A(b) which relates to limited amounts of residential development inside the development limits of Secondary Villages does not provide justification for allowing development in this case.
7. Policy SP2A(c) of the CS relates to development in the countryside outside settlement limits. Among other objectives, the policy limits development in the countryside to replacement or extension of existing buildings. The appellant contends that the development is to replace the existing garage/stable block on site. Although the existing building on site would be demolished, the development of a new residential property on an almost entirely new footprint runs contrary to the overall policy intention.
8. I understand that the policy does not specify that a new building must be for the same use as the one it would replace or that it must be of identical scale or located on entirely the same footprint. However, it is clear to me that the current proposal for a new building with only a small overlap in relation to the footprint of the existing building and of an entirely different use goes beyond the overall spirit of this policy which has the intention of limiting development in the countryside. The appellant has indicated that the location of the proposed dwelling could be amended. However, I have determined the appeal on the application drawings before me.
9. On the basis of the evidence before me I am satisfied that the proposal does not comply with either SP10 of the CS which relates to rural housing exceptions sites or SP13 which relates to development which brings sustainable economic growth through employment opportunities.
10. Cliffe has some limited services; however, as a Secondary Village it is not considered to be one of the District's more sustainable villages. Given the lack of facilities and services there would be a heavy reliance on private vehicles for journeys irrespective of distance. Longer trips to larger settlements would be likely to be necessary on a regular basis.
11. The Framework identifies that housing should be located where it can enhance or maintain local communities. Given the poor availability of local facilities and services I do not consider that the proposal could provide significant social benefits without requiring regular private vehicle journeys. Members of the community without access to private vehicles would not benefit from good access to services and therefore in this regard the proposal would not make a positive contribution to supporting strong, vibrant and healthy communities as required by the Framework.
12. I conclude that the proposal would not be in an appropriate location for development having particular regard to the settlement strategy for the area

and the accessibility of services and facilities. Consequently, it conflicts with Policies SP2A(a), SP2A(b), SP10 and SP13 of the CS.

Other matters

13. I observed at my site visit that there does appear to be some nearby residential development outside the settlement development limits. However, I do not have the full details that led to them being accepted. In any case I have determined the current appeal on its own merits.
14. The appellant has drawn my attention to other appeals, including three decisions made in December 2016 where development has been allowed outside settlement development limits. Of these three, I note that one relates to a site designated as an area of safeguarded land and another is situated in the Green Belt. Therefore, the circumstances of these are not directly comparable to those which apply to this appeal. The Biggin Lane case (APP/N2739/W/16/3157058) was determined on the basis of the particular circumstances and facts of that case and the Inspector found the site's location to be at the margins of sustainability. With reference to other cases I am not aware of the specific circumstances of each one, including specific policy wording, site locations and detailed circumstances of each site. Therefore, I cannot be certain that they draw direct parallels to the current appeal before me. My conclusion on the current appeal is based on the specific and detailed circumstances of this case and the evidence before me.
15. In support of the appeal my attention has been drawn to the matter of the emerging development plan and revisions to the development limits of settlements. However, I am required to determine the appeal under the adopted development plan. In the absence of any further evidence on this matter I have given it no weight in this case.

Conclusion

16. Having regard to paragraph 47 of the Framework the Council accepts that it does not have a five year housing land supply and, therefore, Policies SP2 and SP13 of the CS are out-of-date with respect to the supply of housing. Consequently, the principle of the residential development proposal must be assessed against Paragraph 49 of the Framework in the context of the presumption in favour of sustainable development.
17. Paragraph 7 of the Framework identifies that there are three key dimensions to sustainable development – economic, social and environmental. The construction phase would generate some limited economic activity and there may be some additional spending on building materials, goods and services locally. Although existing facilities and services in the village are limited, future residents may also have some input into the local economy through increasing the demand for local goods and services.
18. The provision of one additional dwelling would make a very limited contribution to boosting local housing supply should planning permission be granted. The proposal would also enable the appellants to stay in the village.
19. However, I have found that, although the proposal would not result in harm to the character and appearance of the area, it would result in encroachment into the countryside, albeit at the very edge of the Cliffe.

20. The appellant has provided some evidence of limited local benefits from the development. However, I do not consider that adequate justification has been satisfactorily demonstrated in this particular case. The development would not provide significant economic, social or environmental benefits, would be heavily reliant on private vehicles and would provide limited benefits to support a vibrant and healthy community with good access to services and facilities. Consequently, the proposal would not be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities.
21. Therefore, given the conflict with the objectives of local and national planning policies, the development would not be compatible with the key principles of sustainability. The harm caused would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole.
22. In coming to this decision I have taken account of the evidence submitted by all parties, including other planning cases and appeal decisions. However, I have determined the appeal on its own merits.
23. For the above reasons and taking account of other matters I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR