
Appeal Decision

Site visit made on 24 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/G2713/W/16/3162960

Newlyn, Oulston Road, Easingwold, North Yorkshire YO61 3PR

- 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 Mike Hateley against the decision of Hambleton District Council.
 - The application Ref 16/00667/OUT, dated 18 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is an outline application for the development of 4 self-build housing plots.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. An indicative site plan has been submitted. This has formed part of my consideration of this appeal.

Main Issue

3. The main issue is whether the proposal would result in a sustainable form of development.

Reasons

Planning Policy

4. The Council's Core Strategy and the Development Policies Development Plan Document (Development Policies) form part of the Council's development plan. The Council has also issued its Interim Policy Guidance (IPG) in 2014. This sets out that it is a material consideration and it has been produced to align with Core Strategy Policy CP4 with the National Planning Policy Framework (the Framework). However the IPG only relates to small scale housing development in villages. As confirmed by the Settlement Hierarchy in Core Strategy Policy CP4 and the IPG, Easingwold is a Service Centre rather than a village.
 5. The policies in the Core Strategy and Development Policies that are relevant for the supply of housing were drawn up in a different policy context and prior to the Framework. Those relevant are Core Strategy Policies CP4, CP5, CP5A, CP6 and Development Policies DP8 and DP9. Although Policy CP5 is not cited on the Council's reason for refusal, as it sets out the scale of new housing and it is based on a housing figure from the revoked Regional Spatial Strategy, it is
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out of date and as such this policy attracts no weight in my findings. Whether Core Strategy Policies CP4, CP5A and CP6 and Development Policies DP8 and DP9 are up to date and consistent with the Framework is linked to whether the Council can demonstrate a five-year supply of deliverable housing sites.

6. While the my colleague Inspectors who considered the Shillington Road¹ and Stokesley² schemes found that the relevant policies for the supply of housing to be out of date, this was due to the Council being unable, at that time, to demonstrate a five year supply of deliverable housing sites. Circumstances have changed, and I note that the appellant does not dispute the current evidence that is in the form of the Council's Strategic Housing Market Assessment 2016 and Strategic Housing Land Availability Assessment 2016 which indicate that there is a 9.7 year supply. These two documents were not before my colleague Inspectors when they reached their decisions.
7. As such, based on the evidence before me, I consider that the Council is currently able to demonstrate a five-year deliverable supply of housing sites as required by paragraph 47 of the Framework, even if it does rely upon the use of windfall sites. However, Core Strategy Policy CP4 and Policy DP9 of the Development Policies restrict development to within the Development Limits of defined settlements, apart from when an exceptional case can be made. Thus, while the policies are broadly in tune with the Framework, in terms of the sustainable distribution of development, the exception case element is not. Consequently, I have afforded them a limited weight.
8. Nonetheless, I have been referred to a number of appeal decisions³, many of which are not in the same administrative boundary as the appeal site. Despite this, and notwithstanding the Council's ability to demonstrate a five-year deliverable supply of housing sites, the Framework in paragraph 47 aims to significantly boost the supply of housing. In this context there is no upper threshold to restrict the provision of new homes, but the decision-taking criteria found in paragraph 14 of the Framework are not engaged.

Sustainable Development

9. The appeal site is a piece of land on the eastern side of Oulston Road. An established hedgerow lines the boundary of the site abutting the road. Next to the site is the detached bungalow of Newlyn which is set back and elevated above Oulston Road. Land, including the appeal site, adjacent to the north, south and east of Newlyn is open in nature. This typifies the undulating countryside that surrounds this part of the settlement of Easingwold. Opposite the site is The Claypenny Estate which is a relatively modern two storey housing development. Dwellings on the eastern flank of this development are within the Development Limit, but they are set back from Oulston Road and increasingly screened by an established woodland which eases the built form and in turn the Development Limit away from Oulston Road to the north.
10. The site is in the countryside, despite being adjacent to the Development Limit for Easingwold. Whilst detailed matters of design and landscaping are reserved, the principle of using the site for residential purposes would result in an expansion of Easingwold to the north and into the open countryside. I note

¹ Appeal Decision Ref: APP/G2713/A/14/2217056

² Appeal Decision Ref: APP/G2713/A/14/2223624

³ Appellant's Appeal Statement, Appendices 5 to 12

that the proposed dwellings could follow the linear development occasionally found on the eastern side of Oulston Road and that The Claypenny Estate does extend further north. However the new dwellings would still cause the loss of an area of open countryside, even accounting for the overhead electricity lines and telecommunications equipment. As a result, together with the number of dwellings proposed, the proposal would profoundly alter the rural character of the site and the land that extends beyond Newlyn and into the distance on the eastern side of Oulston Road. This would significantly change the pleasant rural approach into Easingwold from the north which is far less built up on approach into the settlement. Thus, this part of the proposal would be contrary to the social and environmental aspects of sustainable development.

11. Although the appellant considers the site has a close relationship with Uppleby, this area is within the Development Limit of Easingwold. The site does not share the same distinct characteristics of Uppleby, in that the site is a garden which is, like the adjacent land, largely open in nature and free from built form.
12. While my attention has been drawn to a number of sites⁴ in the local area, I am mindful that each application does need to be considered on its own merits. However, I note that the schemes at Hambleton DC Depot, Shepherds Garth and Snowdens View all either made use of previously developed land or are inside the Development Limit. The proposal would not be either. I recognise the site at 16 Thornlands would differ from these, but this site would be viewed in conjunction with the wider development on Thornlands, while the proposal would result in a considerable amount of development on the eastern side of Oulston Road that displays characteristics typical of a rural environment.
13. In spite of this, the Framework requires consideration of the three mutually dependent dimensions of sustainability in paragraph 7; namely the economic, social and environmental roles. As my findings thus far are confined to particular matters, I shall now turn to other aspects of the appeal scheme which have been drawn to my attention.
14. In terms of the economic role, the proposal would positively contribute to the local economy through the construction of the dwellings, the occupants spending in the local economy and their support of nearby community facilities. Each house would also contribute towards Council Tax and the New Homes Bonus. But given the scale of the contributions, I consider these attract a limited positive weight.
15. In social terms, the proposed four bedroom dwellings would contribute to the district's supply and mix, albeit in a limited manner. In addition the proposal would directly seek to provide opportunities to form self-build homes. I recognise the appellant's enquiries with the Council suggest that there is an emerging demand for such schemes and that paragraph 50 of the Framework does, by seeking to deliver a wide choice of high quality homes, seek to plan for a mix of housing, including people who wish to build their own homes. Added to this, the proposal is aligned with Government publications⁵ which highlight the economic and social benefits of self-build housing. I do therefore attribute this aspect of the scheme a modest positive weight, however,

⁴ Council Applications Refs: 16/01477/OUT; 15/02638/OUT; 15/02543/FUL and 11/01528/FUL

⁵ National Planning Policy: consultation on proposed changes, DCLG, December 2015 and Right to Build: Supporting Custom Self Build, DCLG, October 2014

- proposals such as this, do still need to, despite its location fulfil the mutually dependent roles of sustainable development.
16. Despite the site's location outside of the Development Limit, I consider that the dwellings would not be isolated from Easingwold or the array of facilities and services that it has to offer occupants for their day to day needs. The centre of Easingwold is within walking distance using the lit footway and there is a bus service which provides connections to and from York. Furthermore it is proposed that each dwelling would provide two car parking spaces each, accessible from a private driveway. I recognise the Council does not raise concern with the proposal in this regard.
 17. The reserved matters stage would enable precise details of the design, materials and sustainable construction methods to be proposed, with a view to creating a high quality built environment that could ensure the living conditions of neighbours would be upheld. However, as these are requirements of Core Strategy Policies CP1, CP17 and CP18 and Policies DP1 and DP32 of the Development Policies, I therefore apportion these matters a neutral weight.
 18. Even though these aspects of the social role all attract some form of positive weight or a neutral weight, the proposal would for the reasons that I have set out earlier, not result in a form of development that reflects the rural character of the site and of the land which surrounds it. Thus, the proposal would not contribute to protecting and enhancing the natural or built environment and it would result in the outward spread of the settlement into the countryside, even if the site is adjacent to the extent of the settlement. This effect would be harmful and I attribute this significant negative weight which would traverse the social and environmental roles. Added to this, further harm would arise from the loss of land that, on a worst case scenario, comprises Grade 3a best and most versatile agricultural land.
 19. In terms of the remaining parts of the environmental role, I note that the site is not designated as a heritage asset and it does not contain archaeological features. I also recognise the Screening Assessment Form indicates that the site is not contaminated and that the site lies in flood zone 1 which suggests that there is a low risk of flooding. Even so, these all attract a very limited positive to neutral weighting, given the requirements of Core Strategy Policy CP21 and Policy DP43 of the Development Policies.
 20. In drawing these matters together, it is clear that the development would create tensions between the mutually dependent roles. There would be a limited positive benefit in terms of the economic role, but there would be a limited negative weight and significant negative weight associated with the social and environmental roles respectively.
 21. I therefore conclude that the proposal would not represent a sustainable form of development and would not comply with Core Strategy Policies CP1, CP4 and CP16 and Policies DP8, DP9, and DP30 of the Development Policies, which I consider to be the most relevant of the policies within the development plan to which I have been referred. The proposal would also not fulfil paragraphs 7 and 17 of the Framework. Together these policies, seek to, amongst other things, ensure development does not significantly harm the natural or built environment by protecting the countryside and recognising its intrinsic character and beauty.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR