
Appeal Decision

Site visit made on 15 February 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 3 March 2017

Appeal Ref: APP/G2713/W/16/3155914

The Grange Coach House, Yarm Lane, Great Ayton, TS9 6PY

- 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 Lee Freer against the decision of Hambleton District Council.
 - The application Ref 16/00886/FUL, dated 17 April 2015, was refused by notice dated 7 July 2016.
 - The development proposed is a change of use from attached 3 bedroom annex to a 3 bedroom dwelling house Class C3. The annex is currently under renovation and unoccupied.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. 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; and
 - ii. the effect of the proposal on highway safety.

Reasons

3. The appeal property is a brick built low two storey property with a single storey wing on the west end. It is physically joined to The Coach House and comprises a former stable block, planning permission for which was granted in 1980 for conversion to a single holiday cottage. I understand that the property the subject of this appeal is now known as The Grange Mews.
4. The property is outside the development limits of Great Ayton in a rural location situated between Yarm Lane and the A173. Two neighbouring residential properties known as The Grange and Grange House are situated close by and share the access drive which runs between Yarm Lane (Northern Driveway) and the A173 (Southern Driveway).

Settlement strategy

5. The nearest settlement is Great Ayton which is a Service Village according to Policy CP4 of the Core Strategy (April 2007) (the CS), which would be a suitable location for development. However, the appeal site is outside the defined development limits and is therefore considered not to be a suitable
-

location for additional housing unless an exceptional case can be made in line with the terms set out in Policies CP1, CP2 and CP4 of the CS.

6. The proposal is for general purpose housing and I have no evidence that it is intended to serve a particular rural need. The buildings appear to be in a good condition and there is no evidence that the proposal would be necessary in order to secure a significant improvement or conservation of a building. There is no affordable housing element to the proposal, nor is it intended to specifically support the rural economy or relate to renewable energy. Consequently, I do not consider that it meets the requirements set out in Policy CP4.
7. Policy CP1 requires there to be evidence as to why development should be located in a less sustainable location than within a settlement. The appellant contends that from the end of the public right of way which runs through their land to the nearest footpath there is only a short distance to the settlement boundary, allowing safe access into the village. However, the actual distance between the site and the edge of the village is around 350 metres. Although the site may be closer to services than some properties within the settlement itself, I do not consider that the route between the site and services is at all convenient. It includes an unlit and unsurfaced footpath which runs along the edge of an agricultural field and a section of narrow, winding unlit highway with no separate footway. Visibility along this stretch of road is poor for pedestrians and other highway users.
8. Consequently, it is likely to make the use of a private motor car a far more convenient and preferable means of accessing local facilities and services than alternative means. Therefore, I do not consider that the development would be one which would minimise the need to travel as required by Policy CP2 of the Core Strategy.
9. With regard to reducing the need to travel by car the appellant has submitted details of some other appeals where Inspectors have accepted that the use by occupants of an annex can create as many, if not more, vehicle movements to a situation where two properties are separated. Although I do not dispute the findings on previous appeal cases and their similarities with the current case, of greater relevance is a previous appeal¹ on this site which is directly related to the current appeal. Furthermore, I do not have the specific details of those cases previously allowed at appeal. In any case I have determined the current appeal on its own merits.
10. The appellant has also drawn my attention to a recently approved nearby development at Angrove East which is a greater distance from Great Ayton than the appeal site. However, that proposal was not for a residential use, but a for a holiday use which would be materially different from the current appeal proposal in terms of access and travel requirements and the daily needs of permanent residents. Although I acknowledge that Policies CP1, CP2 and CP4 do not make any distinction between residential or holiday use, the approved scheme is therefore not comparable with the appeal proposal.
11. I have noted the appellant's comments that the proposal would not lead to an isolated dwelling in the open countryside as it would form part of a group. I also understand that the appearance of the group of properties would not

¹ APP/G2713/C/14/2215021

change. Nonetheless, the clear direction of national policy is to focus development in settlements unless there are exceptional circumstances. Such circumstances have not been clearly demonstrated in this case.

12. The appellant argues that the development would make a contribution to the local economy and therefore would amount to sustainable development. With regard to housing land supply, the appellant challenges whether the LPA can demonstrate a 5 year supply of housing land, with the consequent implication through the Framework for a presumption in favour of the current appeal proposal. However evidence before me demonstrates that although there may be some issues regarding delivering housing numbers in the past the LPA does now have a five year supply. This is relevant in terms of determining the current proposal in the light of the Framework, relevant development plan policies for the supply of housing being considered up-to-date. The single unit contribution to housing supply and the limited scale of economic benefits are significantly outweighed by the conflict with the wider sustainability argument, specifically reducing the need to travel, particularly using private cars.
13. The evidence before me demonstrates that some of the circumstances relating to the site have changed since the previous Inspector's decision in October 2014. Nonetheless, on this matter I do not find that exceptional circumstances have been adequately demonstrated by the appellant as required by Policies CP1 and CP2 of the CS. The proposal also fails to meet the provisions of CP4 which is clear that development in the countryside will only be supported where an exceptional case can be made in terms of Policies CP1 and CP2 and where one of the criteria set out in CP4 is met. Therefore, 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.

Highway safety

14. There are two potential access routes to the appeal site, the North Driveway and the South Driveway. The planning application was determined only on the basis of the Northern Driveway which links the site to Yarm Lane. This is the shortest and most convenient route from the appeal site. However, at my site visit I observed that there is poor visibility at the junction with Yarm Lane as a consequence of a mature tree and hedges nearby.
15. It would be possible to improve this access to improve visibility using land within the ownership of the appellant. This would mitigate potential harm to highway safety to some extent. In the event of allowing this appeal, this matter could be dealt with by a suitably worded condition.
16. Attention has also been drawn to the Southern Driveway which also forms part of the access over which the appellant has the right of passage. Although the Southern Driveway is longer than the Northern Driveway it provides convenient access to the nearby village via the main A173 road. Furthermore, although it is gated and may not be open at all times, it is not locked and at the time of my site visit it was open and being used by local residents. Visibility along the A173 from the access is good and, if the gate is closed, there is ample space for a vehicle to manoeuvre off the highway in order to safely open the gate and use the access.

17. Consequently, although there is some concern regarding visibility at the junction of Yarm Lane and the Northern Driveway, there is potential scope for improvement and an alternative convenient access via the Southern Driveway is also available.
18. Therefore, on this matter I do not find that the proposed access arrangements would have a harmful effect on highway safety. As such it is in accordance with the provisions of the Framework, which requires developments to have safe and suitable access for all people.

Conclusion

19. Although I have found no conflict with respect to highway safety, I have found the proposal would not be in an appropriate location for the development. That is the prevailing consideration. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR