

Appeal Decision

Site visit made on 14 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/G2713/W/16/3162727

Swallow House, Brownmoor Lane, Huby, North Yorkshire YO61 1HE

- 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 Mrs Sylvia Robinson against the decision of Hambleton District Council.
 - The application Ref 16/00579/FUL, dated 9 March 2016, was refused by notice dated 22 July 2016.
 - The development proposed is the building of a log home on part of a paddock.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed development, having regard to national and local planning policy, is consistent with the principles of sustainable development; and
 - The effect of the design and materials of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The development plan consists of the Hambleton Local Development Framework Core Strategy 2007 (CS) and the Hambleton Local Development Framework Development Policies 2008 (DP). The Council also produced an Interim Policy Guidance note (IPG) in 2015 to supplement policies in the development plan to reflect the provisions of the National Planning Policy Framework (the Framework). The IPG sets out the Council's approach to housing development beyond Development Limits, introduces the concept of "cluster villages" to reflect elements of paragraph 55 of the Framework and updates the settlement hierarchy set out in CS policy CP4.

Sustainable Development

4. Brownmoor Lane is a narrow, un-metalled and tree-lined lane that runs southwards from Bell Lane, the junction with which lies within a small cluster of dwellings fronting on to Bell Lane. To the east lies Sutton-on-the-Forest whilst to the north, along Bell Lane, lies the main body of Huby. Development along Bell Lane, between the main body of Huby and Brownmoor Lane, whilst becoming somewhat more dispersed, is nonetheless broadly contiguous along one side of the road or the other. A continuous footway benefitting from
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streetlights runs alongside Bell Lane, linking the main body of Hubby with the cluster of dwellings around the junction with Brownmoor Lane, and, beyond that, to the village of Sutton-on-the-Forest.

5. CS policy CP4 and DP policy DP9 establish a settlement hierarchy that seeks to direct development towards named settlements, allowing development beyond the defined development limits for those settlements only in exceptional circumstances. The appeal site lies beyond the defined Development Limits for Hubby, which is a broadly linear settlement. That linear pattern of development is maintained, albeit in a more dispersed manner, beyond the village's development limits on Bell Lane. I see no reason to disagree with the appellant's approach of identifying a number of sub-areas within Hubby with broadly similar characteristics and I agree that the properties fronting on to Bell Lane, on either side of Brownmoor Lane, display a shared sense of place and are of a broadly similar scale, character and appearance to each other.
6. The appeal site however, is not seen as part of that particular group. Rather, the long rear gardens of those properties, together with the tranquil, sylvan surroundings of the tree lined Brownmoor Lane, create a very different character and sense of place around the appeal site and along Brownmoor Lane. I accept that the built-form of the village radiates out in a linear form along other roads that lead to and from the village's core, such as Stillington Road or along Baston Lane. However, from my observations of the village, I am satisfied that those roads differ significantly in their character and nature to Brownmoor Lane.
7. Moreover, although the appeal site directly adjoins an existing residential property at Red House which, in turn, adjoins the rear gardens of the Bell Lane properties, the depth of these gardens and the nature and character of the entrance to Brownmoor Lane itself, mean that the appeal site is clearly visually and contextually detached from Bell Lane. They are instead viewed in a different visual context, one that is more tranquil and pastoral, to that of those fronting Bell Lane.
8. Therefore, whilst Red House adjoins those properties, neither it nor the appeal site share a visual context with the Bell Lane dwellings, whilst Swallow House is located further to the south again. Collectively, they have little in common in terms of character, scale, setting or appearance with those properties and are seen instead more as occasional dwellings set in a dispersed, rural and open countryside setting. The development of the appeal site would encroach into the gap between Red House and Swallow House, reducing the extent of open countryside and extending the built-form between the two, resulting in a form of incremental ribbon development along Brownmoor Lane that would fail to reflect the built-form of Hubby. Thus, the proposal would be contrary to CS policy CP4, DP policy DP9, and the IPG.
9. There is a bus stop on Bell Lane directly opposite the junction with Brownmoor Lane. Although the Council consider the range and timing of bus services from this stop to be limited and restricted, the available evidence suggests otherwise. Whilst the surface conditions of Brownmoor Lane were, at the time of my site visit, wet and muddy, and users of the lane may share it with agricultural vehicles, such conditions and circumstances appear to me to be entirely in keeping with its setting and character, and therefore not unusual or unexpected. I have not been presented with any evidence to suggest that the

volume of agricultural vehicles along the lane discourages its use by walkers or other users and I consider it unlikely that these factors would act as a disincentive to accessing services and facilities, including those further afield, by means other than a private vehicle.

10. Although I have concluded that the development of the appeal site would relate poorly in visual terms to the built-form of Hubby, I am satisfied that it would not result in an isolated new home in the countryside, the type of which the Framework seeks to resist. I accept, too, that future occupiers of the proposed dwelling may assist in supporting local services and facilities in Hubby and beyond, thereby contributing towards the Framework's economic and social strands of sustainable development. Consequently, these factors attract some weight in my consideration. However, these social and economic benefits arising from the construction and occupation of one dwelling would be limited. They would not, I conclude, be sufficient to outweigh the harm that I have identified above in terms of the environmental dimension of sustainable development and how the proposal relates to, and reflects, the built-form of the village.

Character and Appearance

11. Although the design and appearance of the nearby dwellings at Swallow House and Red House, those within the cluster of houses at the junction of Brownmoor Lane and Bell Lane and those further afield within the main body of Hubby vary, they are overwhelmingly of traditional appearance. The broad palette of materials comprises brick, stone, slate and tiles and rendered exteriors. Timber clad buildings, however, are not prevalent in the surrounding area, do not form a significant part of the palette of materials and are not typical of local character or distinctiveness.
12. I accept that timber clad stables and agricultural buildings are perhaps not unexpected sights in rural areas, and whilst that might be so, such structures are not predominant in, or otherwise define, the local context or character in this instance. More pertinently however, where present, such structures typically tend to be relatively simple in form and design. The appeal proposal, by contrast, would be neither.
13. The dominant glazed porch with over-sailing gable roof would dominate the front elevation of the proposed dwelling, whilst the building's timber cladding and ranch-style railings around the raised decked surrounds of the dwelling would give it an appearance far removed from the simple form and appearance of the type of timber structures to which the appellant alludes. Moreover, it would introduce a degree of variance from the character and appearance of existing nearby dwellings that would fail to reflect their more traditional appearance.
14. Whilst the appellant's reference¹ to the Framework's advice regarding the imposition of particular architectural styles and tastes² is noted, I have also considered the remainder of that paragraph's advice. Specifically, that it is also proper to seek to promote or reinforce local distinctiveness. I find the provisions of CS policy CP17 and DP policy DP32 to be closely aligned with the aims and objectives of the Framework in seeking to secure high quality design,

¹ Paragraph 7.54 - Appeal Statement of Case

² Paragraph 60

and I give them significant weight. The proposal would fail to either promote or reinforce local distinctiveness and would, as a consequence fail to secure high quality design of the type envisaged by the Framework as one of the core planning principles³ set out therein. The proposal would be contrary to CS policy CP17 and DP policy DP32, and the design aims of the Framework.

Other Matters

15. I understand the appellant's desire to remain resident in Huby, however this reason does not persuade me to find the scheme acceptable. I have also been referred to other examples of development within the District, including a nearby site on Bell Lane⁴, from which the appellant has sought to draw comparisons with the principles lying behind the appeal proposal. However, from the limited information provided in each instance, I cannot be certain that they provide directly comparable examples and I have, in any event, determined the appeal on its own merits and on the basis of the evidence before me. I have therefore afforded these matters only limited weight, and they are not sufficient to outweigh the harm that I have identified above.

Conclusion

16. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

³ Paragraph 17

⁴ Rowan Brae, Bell Lane – included at Appendix 5 of the appellant's Appeal Statement of Case