
Appeal Decision

Site visit made on 12 April 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 17 May 2017

Appeal Ref: APP/G2713/W/17/3167912
OS Field 147, Newby Wiske, Northallerton

- 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 David Marwood against the decision of Hambleton District Council.
 - The application Ref 16/02078/OUT, dated 15 September 2016, was refused by notice dated 11 November 2016.
 - The development proposed is construction of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form gives the address of the appeal site as 'Land to the south of Willow Garth...', however, I have used the address given on the appeal form, as it describes the location of the site more accurately.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, and of the conservation area.

Reasons

4. The Council's Interim Policy Guidance (IPG, April 2015) deals with small scale housing developments in rural areas. The purpose of the IPG is to bridge the gap between local policy and the relevant provisions of the National Planning Policy Framework (NPPF).
 5. Newby Wiske is outside development limits, and so proposals for residential development in the settlement fall to be considered against the six criteria set out in the IPG. The Council is satisfied that the proposal would comply with Criteria 1, which requires that development should be located where it will support local services, including services in a village nearby. There is no basis for me to take a different view on this issue.
 6. To the south, the Newby Wiske Conservation Area (CA) is largely characterised by the presence of Newby Wiske Hall and its extensive grounds. The main body of the village follows a traditional linear structure, whereby the majority of the buildings face the main road. The core of the village is tightly developed, but development becomes more sporadic to the north. There is a clear gap between the end of the built form of the village and the cluster of
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- buildings at Willow Garth. At this point, the settlement gives way to the agricultural land which forms the wider setting of Newby Wiske.
7. The appeal site comprises paddock land to the north of the village. The development would be of a small scale, and to that extent would comply with Criteria 2 of the IPG. The site would face the main road, and thus would broadly reflect the prevailing built form within the village. The proposed materials would match the local vernacular materials, and the new single storey dwelling would be consistent with the ridge height of the proposed adjacent two storey building which has recently gained planning permission. Whilst this development would extend the built envelope northwards, it would remain visually associated with the property at Merryn, and the neighbouring dwellings to the south.
 8. However, the open land between the buildings at Willow Garth and the main body of the village is key to preserving the sense of rural isolation that characterises the CA. The significance of the appeal site lies in its contribution to this openness. The proposed development would introduce a significant degree of coalescence between Willow Garth and the village, thus detracting from the important degree of dispersal of the northern group. The proposal would extend and reinforce the built form of the village at a point where the more sporadic nature of the development provides an important visual contrast to the built up centre of Newby Wiske. As a result, the character and appearance of the CA would be unacceptably harmed by the proposal.
 9. There is a distinct change in levels on the appeal site, whereby the land within the red line boundary sits at approximately 2m above the land to the south. As a result, the new dwelling would occupy a physically prominent position, and would be visible when approaching from the north, or leaving the village from the south. If maintained at its current height, the hedge would screen the new dwelling to a certain degree. I accept that the hedge could be allowed to grow taller. Conversely, it could be cut back and removed at any time, and so could not be relied upon to mitigate the harmful impact of the new development. Furthermore, I observed on my visit that the screening of dwellings with tall hedges is not a prevalent characteristic within the CA.
 10. It appears that the residential curtilage of the new dwelling would comprise the whole area of the appeal site, all the way up to the northern boundary. In addition to the built form of the house, the development would undoubtedly incorporate a car parking area and other accompanying domestic paraphernalia. As a result, the domestication of the site would have an urbanising effect on the land, in contrast to its existing rural character, which is much more akin to the adjacent agricultural land.
 11. The appellant argues that Merryn effectively blocks all views of the site from the south. However, standing at a point on the road immediately to the east of Merryn, I was able to see the higher piece of land on the appeal site over the hedge. I therefore conclude that the new dwelling would be clearly perceptible to public view. The appellant has considered a number of locations for the new dwelling within the site. Whilst I have had regard to these, they have not led me to a different conclusion on the main issue. I accept that there is evidence of a previous building having existed on the appeal site. Nonetheless, the site is currently undeveloped, and that is the basis on which I have considered the appeal.

12. Drawing these factors together, I therefore conclude that the proposal would unacceptably harm the appearance of the appeal site, thus failing to preserve the character and appearance of the wider conservation area. It would thus conflict with Policy DP28 of the Hambleton Local Development Framework Development Policies (February 2008), insofar as it seeks to ensure that development preserves or enhances all aspects that contribute to the character and appearance of conservation areas. It would also conflict with Policy CP1 of the Hambleton Local Development Framework Core Strategy (April 2007), insofar as it seeks to protect the distinctiveness, character, townscape and setting of settlements.
13. It would also be at odds with the IPG, which amongst other things, requires that development should not have a detrimental impact on the natural, built and historic environment. It would conflict with the NPPF, which attaches great weight to the conservation of heritage assets, and finally, it would fail to satisfy the duty to preserve the character or appearance of the conservation area.
14. Whilst the harm to the significance of the conservation area would be less than substantial (in terms of the phraseology used in the NPPF), this does not mean that the harm would not be significant. The development would contribute one dwelling to the local housing supply, and this benefit is to be given weight, however modest. However, it would not outweigh the harm to the CA which I have identified. There is insufficient evidence in relation to any public benefits that would outweigh that harm.
15. For the reasons above, and taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR