
Appeal Decision

Site visit made on 9 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 9th June 2017

Appeal Ref: APP/W9500/W/17/3167342

The Old Post Office, Coxwold to Oulston, Coxwold YO61 4AA

- 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 N Bulmer against the decision of North York Moors National Park.
 - The application Ref NYM/2016/0576/FL, dated 1 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is construction of a 4 bedroom dwelling with attached single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be acceptable having regard to development plan policies in relation to the location of new housing; and,
 - the effect of the proposal on the character and appearance of the area with particular regard to whether it would conserve and enhance the special qualities of the North Yorks Moors National Park.

Reasons

Location

3. Core Policy J of the North York Moors National Park Authority Local Development Framework Core Strategy and Development Policies 2008 (CS) states that a mix of housing types and tenures will be sought to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. It goes on to state that this will be delivered by, inter alia, supporting the development of local needs housing located on infill sites in local service villages or other villages.
 4. The parties agree that the proposal would deliver local needs housing. I see no reason to disagree. Consideration therefore turns to whether it would be located on an infill site. Paragraph 9.16 of the supporting text to CS Core Policy J defines infill sites as a small gap within a continuously built up frontage within the main built up area of the settlement.
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5. I recognise that the appeal site immediately adjoins the built-up frontage to the west and that it is contained to an extent by the wooded former railway line which provides a physical boundary to the site. However, there is no development to the east other than an isolated dwelling around 80-100m away. Nor is there any development to the south of the site. Moreover, on the north side of the road, the built form of the village extends less further to the east than the appeal site, with again only an isolated dwelling opposite. In my view, the appeal site cannot reasonably be considered to be a small gap within a continuously built up frontage in the main built up area of the settlement. Consequently, the proposal would not result in the development of local needs housing on an infill site.
6. I conclude, therefore, that the proposal would conflict with Core Policy J of the CS and, as a result, would not be acceptable having regard to development plan policies in relation to the location of new housing.

Character and Appearance

7. The appeal site lies within the North Yorks Moors National Park. National Parks have the highest status of protection in relation to landscape and scenic beauty and great weight is to be afforded to conserving their landscape and scenic beauty, as set out in paragraph 115 of the National Planning Policy Framework (the Framework).
8. Development Policy 3 of the CS states that, to maintain and enhance the distinctive character of the National Park, development will be permitted where, amongst other things, the siting, orientation, layout and density preserves or enhances views into and out of the site; it does not affect spaces about and between buildings and other features that contribute to the character and quality of the environment; and, it will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement.
9. Supporting paragraph 9.16 of CS Core Policy J states that it is important to recognise the amenity value of certain open spaces within the built up area of settlements and therefore not every gap will be considered as an appropriate infill site. Gaps created by the development of affordable housing exception sites are not considered as infill gaps and may not necessarily be part of the main built up area of the settlement.
10. The appeal site comprises the side garden of the detached property known as The Old Post Office and beyond the built up area of the village. Triangular in shape, it lies between the property and the heavily wooded embankment of the former railway line to the east. In addition, there is a hedgerow to the road frontage of the site with a number of conifer and ornamental trees on the site itself. As such, it forms an attractive area of open and verdant space which plays a transitional role between the built up area of the village and the expanse of open countryside beyond. To that end it makes a positive contribution to the special qualities of the North York Moors National Park.
11. I note that the wooded area to the east would limit views to some extent from the road. Nevertheless, the presence of built form would be apparent from the footpath and to the front of the site above the hedgerow and through the gaps between those trees within the site which would be retained. Moreover, whilst the wooded embankment provides a green backdrop to the site, the proposal would nevertheless be apparent on heading out of the village and would result

in a noticeable expansion of the built up area of the village. Consequently, the proposal would result in the loss of an area which contributes to the character and setting of the settlement and as such, it would not preserve or enhance views into and out of the site, the spaces around or between buildings nor other features that contribute to the character and quality of the village.

12. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area and, in particular, would not conserve or enhance the special qualities of the North Yorks Moors National Park. As such, it would conflict with Development Policy 3 of the CS and paragraph 115 of the Framework.

Other Matters

13. Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental.
14. I recognise the proposal would allow the appellant to relocate closer to his place of work which would reduce the need for travel and support work in local agriculture. It would also have some economic benefits during the construction phase and would, to a limited degree, help support local services and facilities. However, such benefits would not outweigh the harm that would arise to the environmental role of sustainability given my findings in respect of the main issues above. As a result, the proposal would not constitute sustainable development for the purposes of the Framework and the benefits arising from the proposal would not outweigh the conflict with the development plan.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR