
Appeal Decision

Site visit made on 22 May 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/G2713/W/17/3169047
Thornflatt Cottage, East Harlsey DL6 2EB

- 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 & Mrs Allick against the decision of Hambleton District Council.
 - The application Ref 16/01263/OUT, dated 25 May 2016, was refused by notice dated 15 September 2016.
 - The development proposed is outline planning permission for erection of 1no. detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with some matters reserved. Notwithstanding the details on the planning application form, the appellants and the Council have confirmed that the application has been submitted in outline with all matters except access reserved for future consideration. I have dealt with the appeal on that basis, treating the housing design as shown on the submitted plans as being indicative.

Main Issue

3. The main issue is whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with local and national planning policy, the proposed development would amount to a sustainable pattern of development.

Reasons

4. The appeal site is located to the east of Thornflatt Cottage, which is part of a cluster of buildings including two dwellings and a number of agricultural buildings. The appeal site is located some distance to the east of East Harlsey and is outside of the Development Limits defined in the Hambleton Core Strategy 2007 (CS). Policies CP4 and CP9 list a number of exceptional circumstances where development outside of settlements in the countryside may be supported. The CS pre-dates the National Planning Policy Framework (the Framework) which seeks to promote sustainable development in rural areas, and the Council's reason for refusal also states that the development is contrary to paragraph 55 of the Framework.

5. The approach of the Framework to the promotion of sustainable development in rural areas, set out in paragraph 55, is that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework goes on to note that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the proposed dwelling is of exceptional quality or innovative.
6. The Council has published Interim Policy Guidance 2015 (IPG) which sets out the Council's approach to housing development outside of Development Limits and within villages which fall outside of the defined Settlement Hierarchy which accompanies Policy CP4 of the CS. I also note that East Harlsey is defined as a 'Secondary Village' under an updated Settlement Hierarchy published in 2014. However, the IPG clearly states that "Small scale housing development will be supported in villages..." (my emphasis) and goes on to state that a consideration is whether small scale development is "adjacent to the built form of a settlement". I acknowledge that the appellants contest the Council's interpretation of the IPG, but in my view it is clear that the IPG relates to development in or adjacent to the built form of the settlement.
7. The Council state that the access road to the appeal site is some 440m beyond the last house in the village on that side of the road. This reflects my observations on my site visit, as I saw that the appeal site and adjacent buildings are a significant distance from the built form of the village. This cluster of buildings has a distinct freestanding character typical of the farmsteads that can be found within the surrounding open countryside. The appeal site and adjacent cluster of buildings are therefore not within or adjacent to East Harlsey. I have also had regard to the comments from East Harlsey Parish Council, which state that the appeal site is in an isolated location outside of the village.
8. Residents of the proposed dwelling would access East Harlsey via a rural road which does not have a designated footway and is unlit for significant parts of the route. Due to the nature and length of this route, I consider walking and cycling would not be a convenient option for future occupiers of the dwelling, particularly in the evenings and during the winter months. Although the site is located adjacent to a cluster of dwellings and other buildings, the appeal proposal would, to all intents and purposes, result in an isolated home in the countryside in that it would be remote from services and facilities and would not be within or adjacent to the village of East Harlsey.
9. I have had regard to the Appeal Decision at Low Worsall¹ where the Inspector considered a new dwelling would not be isolated in the context of paragraph 55. However, I note from that Decision and the information provided by the Council that the proposal was in close proximity to a village, which I do not consider to be the case here. Furthermore, the proposal related to the conversion and extension of an existing building and also had access to a

¹ Appeal ref: APP/G2713/W/16/3155789

surfaced footpath connection to services which would also not apply to the current appeal.

10. I am mindful of the benefits that would arise from the proposal. Residents of the dwelling would contribute to the support of services in the area including the primary school at Ingleby Arncliffe which the appellants state is significantly under capacity. However, the support arising from a single dwelling would be very limited, even allowing for the cumulative impact with other developments. The dwelling would contribute to the mix and supply of housing in the area, albeit to a limited degree. The construction of the proposal would also create employment, albeit to a limited degree over a limited period of time.
11. The appellants contend that the proposal is on brownfield/previously developed land. However, the site previously contained an agricultural building which is excluded from the definition of previously developed land in the Glossary at Annex 2 of the Framework. This matter does not therefore weigh in favour of the proposal.
12. In support of the appeal, the appellants make reference to an Appeal Decision for a site on Scholla Lane, Bullamoor² but I note that the Council takes issue with the interpretation of Policy in that decision. In any event, that proposal was for the conversion of an existing building and the circumstances that applied in that case are not directly comparable to those before me.
13. The appellants make reference to the potential use of an 'Innovative and Exceptional Eco system' to meet the requirements of the 4th bullet point of paragraph 55. However, mindful that this appeal relates to an outline application, no substantive information on this technology as part of the appeal proposal has been provided to me. Furthermore, such technology could be utilised in a more sustainable location. I have had regard to the Appeal Decision³ referred to by the appellants on this matter but I note that, amongst other things, the proposal was adjacent to existing areas of residential development and would meet an identified need for a specific type of housing which added to the overall consideration of sustainability. In any event, insufficient information has been provided to me to demonstrate that the proposal would be of such an exceptional quality or innovative design to be considered a special circumstance under paragraph 55.
14. I note that there is a disagreement between the parties as to whether the Council is able to demonstrate a 5 year supply of deliverable housing sites. The appellants have referred to two Appeal Decisions⁴ from 2015 which state that a 5 year supply of deliverable housing sites cannot be demonstrated. However, the Council has since published a Strategic Housing Land Availability Assessment in September 2016 which states that it can provide a 9.9 years housing land supply. Notwithstanding this, even if I were to conclude there is a shortfall in the 5 year supply as suggested by the appellants and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

² Appeal Ref: APP/G2713/A/13/2200415

³ Appeal Ref: APP/V0728/W/15/3005579

⁴ Appeal Refs: APP/G2713/A/14/2217056 & APP/G2713/A/14/2223624

15. I conclude that the proposal does not represent a sustainable pattern of development as it would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. It does not meet any of the criteria specified in Paragraph 55 of the Framework and would conflict with national planning policy in relation to the sustainable location of rural housing. The proposal would also conflict with Policies CP1 and CP2 of the CS with regard to minimising the need to travel, particularly by private car. The proposal would also conflict with Policy CP4 of the CS as it would be located outside of defined Development Limits and does not meet the exceptions listed in that policy or the provisions of the IPG. Overall, therefore, the proposal does not represent sustainable development. It is contrary to the CS and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and the Framework.

Conclusion

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

David Cross

INSPECTOR