



Appeal Decision

Site visit made on 2 May 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 6 July 2017

Appeal Ref: APP/G2713/W/17/3167099

land east of Amberleigh House, Lowfields Lane, Pickhill YO7 4JL

- 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 Pickhill Top Ltd against the decision of Hambleton District Council.
 - The application Ref 16/02135/OUT, dated 23 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling at land east of Amberleigh House, Lowfields Lane, Pickhill YO7 4JL in accordance with the terms of the application, Ref 16/02135/OUT, dated 23 September 2016, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application is submitted in outline. All matters other than access are reserved for future consideration and I have treated drawing reference CAL010216 04 F and reference CALD10216 09F as being indicative.
3. Both parties have referred me to a recent outline planning permission¹, with all matters other than access reserved, for the development of four dwellings on land between the current appeal site and Amberleigh House. The indicative details of those dwellings are included on indicative drawing reference CAL010216 04 F and the proposed site and location plans, drawing reference CA010216 03 F.
4. The appellant has submitted a Unilateral Undertaking to accompany the current appeal and which seeks to control the phasing of subsequent development of the current appeal site vis-a-vis the adjacent site. I consider this matter below.

Main Issues

5. The main issues are:-

- The effect of the proposed development upon the character and appearance of the village of Pickhill and the surrounding open countryside; and
- Whether, having regard to local and national planning policies, the proposed development is a sustainable form of development.

¹ LPA reference: 16/00808/OUT

Reasons

6. The development plan consists of the Hambleton Local Development Framework Core Strategy 2007 (CS) and the Hambleton Local Development Framework Development Policies 2008 (DP). CS policy CP4 and DP policy DP9 establish a settlement hierarchy and seek to direct development towards named settlements within that hierarchy, allowing development beyond the development limits of those settlements only in exceptional circumstances.
7. The Council also produced an Interim Policy Guidance note (IPG) in 2015 as a supplement to policies in the development plan in order to reflect the provisions of the National Planning Policy Framework (the Framework). The IPG sets out the Council's approach to housing development within villages and 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. The IPG also sets out general principles for development in villages that they must, amongst other matters, be small in scale, and reflect the existing built form and character of the village.

Character and Appearance

8. Although the main body of the village of Pickhill is located to the south and east of the loop of Street Lane as it passes through the village, The Green provides a pleasant focal point for the village. The Green is framed by roads on its western, northern and eastern sides, and by a pavement on its southern side. Housing development of varying styles and age front onto the roads along The Green's western and majority of its eastern sides, whilst beyond the southern extent of The Green lies the village school.
9. The appeal site lies on Lowfields Lane, a narrow rural lane leading off from the south-eastern corner of The Green towards outlying dwellings and farms in the open countryside beyond Pickhill. There is agreement between the parties that the site lies beyond the defined development limits for Pickhill, an extract of which the appellant has included within the Grounds of Appeal (GofA). Nonetheless, having viewed the site, its surroundings and the nature of the physical and visual relationships between it and the existing dwellings and buildings within the village, and particularly those around The Green, I consider the site itself to be reasonably well related to the settlement.
10. The Council place considerable importance on the location, and the significance thereof, of the speed limit / de-restriction signs on Lowfields Lane. The proposed access to the appeal site would be immediately to the southeast of the signs, which places the appeal site, and therefore the proposed dwelling, some distance beyond Amberleigh House. At present, Amberleigh House is the southern-most dwelling on the eastern side of The Green, its side garden providing an open visual link to the field behind and the verdant roadside hedge alongside Lowfields Lane.
11. Whilst the appeal site stands detached from the side garden of Amberleigh House, I am however mindful of the outline planning permission that has been granted for four dwellings directly adjacent to Amberleigh House, the site for which occupies the gap between Amberleigh House and the current appeal site. Although that permission was in outline with all matters other than access

reserved, that scheme would extend the built form further south-eastwards from Amberleigh House.

12. I have not been made aware that the matters reserved for future consideration have been submitted but, in any event, it was clear at the time of my visit to the site that that scheme does not currently exist. As such, and in isolation, the appeal proposal would be in an incongruous and slightly isolated location beyond the built extent of the village and without intervening development linking it to the village.
13. However, as a continuation of the built form approved by the Council, but not yet built, I see no harm in the proposed development. During my visit to Pickhill I saw that The Green and, by extension, the development around it, formed a distinct and cohesive part of the village. Ribbon development is not, the Council suggest, a form typical of Pickhill, and that is what they suggest that the proposal would amount to. I disagree however. Housing and buildings lie alongside the lane heading off in an easterly direction from The Green at its north-eastern corner continues, as it does from the southwestern and north-western corners of The Green.
14. The Council, having approved the previous scheme for four dwellings, have established a similar form leading away from the south-eastern corner of the site. The current proposal, for an additional dwelling heading away from The Green on Lowfields Lane, would provide a logical and, in my judgement, an appropriate, and appropriately limited, form of development.
15. Moreover, the sweep of Lowfields Lane as it heads away from the village is such that the proposed development would not close off views of the open countryside beyond the school any more than the previously approved development for four dwellings would. From most viewpoints within and around The Green, the additional presence of the appeal proposal would be limited and largely screened by those proposed dwellings closer to Amberleigh House.
16. I accept that the appeal site lies beyond the development boundary for the village. I accept too, that the site lies beyond the speed limit sign on leaving the village along Lowfields Lane. The site does however lie broadly diagonally opposite the village school and would not, in my view, extend built development excessively or harmfully beyond the school.
17. Setting aside the extant outline planning permission that exists for those four dwellings however, I agree that the appeal site stands somewhat isolated beyond Amberleigh House. The roadside hedgerow and intervening field create a degree of separation between the built up area of the village and the appeal site that sets the appeal site apart in much the same way as is the case with the dwelling further east along Lowfields Lane.
18. In order to address this however, the appellant's UU would restrict the commencement of construction of the appeal proposal except either simultaneously with, or not until construction has commenced, on the adjacent site, for which the appellant was also the applicant. The Council have not sought to dispute the content or provisions of the UU, and I am satisfied that its provisions satisfy the tests set out at paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

19. Thus, subject to the provisions of the UU I conclude that the proposed development would be well related to a sustainable village with a range of services, facilities and a public transport connection to settlements further afield. It would be a small scale development that would, building on the previous approval of the scheme for four dwellings on the adjacent site, reflect the existing form and scale of development on the eastern side of The Green, and around The Green as a whole. Other than access, all matters are reserved for future consideration, and the same is also true of the outline approval on the adjacent site. Nonetheless, the Council's concern that the proposal would introduce an urban street form into a rural landscape appears to be based upon the indicative street elevations. However, as matters relating to scale, appearance and landscaping are, or would be, reserved in both instances, I see no reason why those concerns should be realised.
20. The proposal would not therefore, I conclude, have a harmful impact on the character or appearance of either the village or the adjacent Conservation Area, or upon that of the countryside beyond the village. The two main parties do not dispute that the proposal would satisfy criterion 1 of the IPG and it has not been suggested that the proposal would be in conflict with criterion 5. For the reasons set out, I conclude that the proposal would not cause harm, or be in conflict with, the provisions set out in criteria 2, 3 or 4 of the IPG.

Sustainable Development

21. It is not disputed that Pickhill is considered to be a sustainable location for new development and one that has a range of services, facilities and access to public transport all present within the village. The proposal would support services and facilities within the village and would contribute towards the economic and social dimensions of sustainable development, as identified by the Framework. I have concluded above that the proposal would satisfy the relevant criteria of the IPG regarding character and appearance, and therefore also the Framework's environmental dimension of sustainable development. Whilst the proposal does not accord with the provisions of CS policies CP1, CP2 and CP4 in this respect, I give the provisions of the IPG and the Framework considerable weight and conclude that the proposal would represent a sustainable form of development as envisaged by the IPG and the Framework.

Conditions

22. I have considered the conditions suggested by the Council in light of paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary I have altered the wording in the interests of precision and where conditions involve multiple elements, renumbered these in a consistent manner.
23. In addition to the outline conditions confirming the extent and scope of the reserved matters and the relevant time limits, I have also added a condition confirming the approved location and site plan in the interests of certainty. Conditions concerning proposed finished ground levels, boundary treatment and external materials, including surface materials and surface water drainage details, are necessary to ensure the appearance of the development is satisfactory and that the site is properly drained. Conditions concerning the detailed layout of the proposed access, visibility splays and parking and turning arrangements are necessary in the interests of highway safety.

24. I have combined, with amendments to the wording, suggested conditions regarding wheel washing, site operative's parking and deliveries into a single 'construction management plan' condition. However, the evidence before me does not demonstrate that a condition in respect of off-site highway works is necessary or reasonable and the suggested condition lacks precision. Thus, I have not imposed a condition (or conditions) to that effect.

Conclusion

25. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials in accordance with the approved method.
- 6) No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the agreed details.
- 7) The dwelling hereby approved shall not be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall thereafter be retained in accordance with the agreed details.
- 8) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
- 9) There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the

Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

- 10) There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements, and the development shall be carried out in accordance with the agreed details.
 - i) The details of the access shall have been approved in writing by the Local Planning Authority;
 - ii) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6;
 - iii) Any gates or barriers shall not be able to swing over the existing highway;
 - iv) That part of the access extending 5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
- 11) There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Lowfields Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 0.6 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 12) There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) vehicular parking
 - ii) vehicular turning arrangements
 - iii) manoeuvring arrangements

No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 13) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles for site operatives, sub-contractors and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) The permission hereby granted shall not be undertaken other than in complete accordance with the location plan, drawing number CAL010216 01F.