The Planning Inspectorate

Appeal Decision

Site visit made on 13 July 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 07 August 2017

Appeal Ref: APP/G2713/W/17/3170363
Land to rear of Thornton Bridge Farm, Seamer Road, Maltby, TS8 0AX

- 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 & Mrs Alex and Tammy Skelton against the decision of Hambleton District Council.
- The application Ref 16/02179/FUL, dated 28 September 2016, was refused by notice dated 20 December 2016.
- The development proposed is for the erection of a detached dwelling with detached garage (Demolition of agricultural building, polytunnel and stable block).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;

   - whether the proposal would be consistent with local and national planning policies relevant to the location of housing; and,
   - the effect of the proposed development on the character and appearance of the area, having regard to its location within the countryside.

Reasons

Location of housing

3. The appeal site occupies a parcel of land set to the rear of existing residential properties and curtilages fronting on to Seamer Road. Access to the site from the highway is shared with a substantial detached property, which is situated adjacent to the access point. A private drive leads from the highway access to the appeal site, which is occupied by a large area of hardstanding and a disused stable block and agricultural-style building, which it is indicated were formerly in equestrian use. The adjacent large paddock, which is indicated would form the curtilage of the proposed dwelling, was evidently in use for the grazing of animals.

4. The Council has identified the appeal site as occupying a location beyond defined settlement limits, and that the development must therefore be regarded as development within the open countryside. Whilst I observed that there was some limited existing development in the vicinity of the appeal site, I consider that the appeal site could be said at best to be located within a small

hamlet rather than an established settlement as envisaged for planning purposes.

5. The appellants accept that the location of the proposed dwelling would result in some conflict with the spatial policies of the Hambleton Core Strategy Development Plan Document 2007 (the Core Strategy). However, their contention is that the hamlet within which the appeal site is situated should be considered as being within a "Cluster Village", the reference to which I note is contained within the Council's Interim Planning Guidance Note (IPG) 2015, and which is consistent with the approach advocated in paragraph 55 of the National Planning Policy Framework (the Framework). However, I also have had regard to the appellants acknowledgement within the Grounds of Appeal that *a cluster is unlikely to constitute a sustainable community if there are significant* distances *(approximately 2km) or barriers between settlements*, and that *development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable*. Furthermore, the Council has drawn my attention to the supporting text to the IPG which sets out that housing in locations outside of the settlement hierarchy will not be supported for inclusion within a cluster.

6. It is accepted by the parties that the appeal site is not located within a settlement identified within the settlement hierarchy, and as such I am satisfied that the IPG would not support its inclusion within a cluster. Furthermore, no services and facilities are identified as being located within the hamlet where the appeal site is located, although the appellants have referred to accessibility to public transport via limited local bus services. Nevertheless, whilst both the appellants and the Council have identified the appeal site as being approximately 2 km from the village of Seamer, and closer still to Newby, Maltby, and Thornton, I have noted that none of the various footpaths and public rights of way in the wider area are indicated as passing close to the appeal site. As a consequence, pedestrians would be reliant upon a significant walk, which would be undertaken along narrow unlit roads lacking in a safe pedestrian environment, which whilst likely to be quieter for cyclists, would not be an attractive option for pedestrians. Whilst I accept that for many purposes use of a private car in rural areas would be inevitable, particularly during the winter or dark months, the combination of these circumstances as set out would be likely to foster an overall reliance on the private car.

7. Turning to the Framework, I am mindful that the appellants have interpreted 'isolated' as meaning '*far away from other places, buildings, or people; remote'*. However, in the context of the underlying objective of achieving sustainable development as set out in the Framework, I cannot agree with the appellants' application of 'isolated' in this case for planning purposes, or that it has only a single application in terms of definition. The existing group of dwellings near the appeal site are isolated as a group by virtue of their distance, geography and linkages to existing services and facilities within nearby settlements, and any additions to the group would also be treated thus.

8. In respect of the special circumstances set out at paragraph 55, the appellant has provided no indication that the proposed development would seek to meet the essential need for a rural worker to live permanently at or near their place of work in the countryside, or that the development relates to a heritage asset. Whilst having regard to the appellants' contention that the appeal site represents previously developed land, the proposals do not seek the re-use of

the existing buildings on the site but instead secure their demolition and replacement. In this respect, the requirement is not met.

9. Turning to the remaining special circumstance, I note from the Design & Access Statement submitted with the planning application, that the appellants contended that the scheme would represent an innovative nature of design, by way of the sustainability credentials of the proposed dwelling. Specifically, the creation of a *partial carbon zero footprint* is cited, utilising various sustainable construction methods and materials, as well as incorporating features including solar panels, grey water recycling, and an electric car charging point.

10. I have carefully considered the merits of the above sustainability methods and features, and would accept that their incorporation within the proposed development would be a positive aspect which would weigh in favour of the proposal. However, I am not persuaded that either in isolation or cumulatively that they would amount to a truly innovative nature of design given their incorporation within many other schemes and developments on a comparatively common basis. Whilst I have had regard to the appellants' reference to the appeal decision in Redcar & Cleveland at Land to the West of Church lane, Newton under Roseberry, Middlesbrough (*Appeal Ref: APP/V0728/W/15/3005579*), the new technology proposed in that circumstance represented a bespoke renewable energy system, which was considered to be truly innovative in nature, and therefore met the requirement of the special circumstance.

11. In these respects, the proposal would not accord with any of the special circumstances as set out in paragraph 55 of the Framework, and there is no indication that it would seek to provide affordable housing to meet identified local needs, as set out in paragraph 54 of the Framework.

12. My attention has been drawn by the appellants to a number of other recent planning decisions made by the Council, where permission has been granted for housing development outside the criteria laid out within the IPG, with it contended that this supports the principle of the proposed development. However, I note that all of the developments referred to are located within settlements which are included in the settlement hierarchy, and as such would therefore potentially meet the criteria for inclusion and consideration as part of a 'cluster village'. As a consequence, given the material difference in circumstances, I do not regard these decisions as comparable to the appeal proposal.

13. I am satisfied that the appeal site is not located within a settlement which would be considered as part of a cluster village, and therefore represents an isolated form of development within the open countryside, for which the appellant has not drawn my attention to compliance with any of the circumstances or requirements which would provide support for a new dwelling within the countryside. The proposal would not therefore accord with Policies CP1, CP2 and CP4 of the Core Strategy, or the Council's Interim Planning Guidance Note. These policies seek to ensure that development is assessed against the community's housing needs and settlement hierarchy, utilises previously developed land that is in a sustainable location, whilst minimising the need to travel and protecting the natural environment and countryside. Furthermore, the proposal would conflict with paragraph 55 of the Framework as the development would not meet promote sustainable development in rural

areas, and would not represent a special circumstance required to justify a new isolated home in the countryside.

Character and appearance

14. The proposed dwelling would be located broadly on the footprint of the existing agricultural-style building, and is indicated as incorporating modern and contemporary features including full length windows, and would reflect the intrinsic character of the locality. The curtilage of the dwelling would be formed from the remainder of the site area, including the adjacent paddock.

15. The Council has indicated that the design and position of the dwelling would not assist in helping it blend in with its surroundings. Whilst I have had regard to the contrary conclusions reached within the appellants' Design & Access Statement, and have noted the form and design of the nearby large dwelling to the north-west, I am also not convinced that the proposed dwelling would particularly respond to local character or reflect local distinctiveness. Whilst I accept that there are other large dwellings nearby, which would appear in some long-views as part of the backdrop to the development, these dwellings along with their curtilages address the road frontage rather than comprise a backland form of development, which would be the consequence of the development of the appeal site. Furthermore, the introduction of a substantial residential curtilage would result in a significant encroachment into the countryside, which when considered along with associated domestic paraphernalia would result in an adverse impact on the rural character of the countryside at this point.

16. It is contended that the proposed development would essentially 'tidy up' the existing appeal site, with the disused and redundant buildings likely to deteriorate in appearance over time. However, the form and scale of the buildings reflect their former agricultural and equestrian character, and do not appear out of place in this rural location. Whilst they may be redundant, as existing I am satisfied that they have a neutral rather than negative impact on the countryside. I accept over time that if the buildings remain redundant and neglected that their appearance may deteriorate, but I do not consider this to be adequate justification for the scale and type of development as proposed.

17. As a consequence, I am satisfied that the proposed development would result in a negative effect on the rural character and appearance of the area, and an adverse encroachment into the open countryside. The proposal would therefore conflict with policies CP16 of the Core Strategy, and Policy DP30 of the Hambleton Development Policies Development Plan Document (2008), which seek to ensure that development adds appropriate character and distinctiveness and protect the character and appearance of the countryside. Furthermore, the proposal would conflict with the Framework which recognises the intrinsic character and beauty of the countryside.

Other Matters

18. I am mindful that paragraph 7 of the Framework sets out that there are economic, social and environmental dimensions of sustainable development. Whilst being mindful of the appeal site being considered to be previously developed land, and adopting various sustainability credentials in respect of its construction, I have already identified harm related to the environmental dimension of sustainable development as set out above. I have also had regard

to the absence of reasonable access that would be available to services and facilities in the vicinity.

19. In respect of the social dimension, the appellants have referred me to allowed appeal decisions for up to 175 dwellings dated December 2015 on Land to north of Stillington Road, Easingwold (Ref: APP/G2713/A/14/2217056), and for up to 226 dwellings dated September 2015 on Land off Tanton Road, Stokesley (Ref: APP/G2713/A/14/2223624). The conclusions reached by the respective Inspectors were that the Council was unable to demonstrate a five-year supply of deliverable housing sites. However, it is apparent from the Council's submissions with this appeal that a Strategic Housing Market Assessment was published in January 2016 (and updated in September 2016), which has informed a Strategic Housing Land Availability Assessment published in September 2016, which at the time has confirmed a 9.9 years supply. In the absence of any detailed evidence to the contrary, and even if there were not such a supply, I consider that the contribution this development would make towards addressing any undersupply would in itself be very limited.

20. The proposed development would provide some limited economic benefit as a result of the creation of employment from the construction of the dwelling as well as the addition to the local housing market. The development would also provide limited support to existing local services in the wider area. I have also noted that there would be a payment of Community Infrastructure Levy, however I consider that this would have no more than a neutral effect as it would mitigate the impacts of the development.

Conclusion

21. I have had regard to the limited economic and social benefits which would arise from the construction of the property and the provision of an additional dwelling, and that the proposal would involve the use of previously developed land and incorporate sustainable construction methods, materials and features. However, I have found that the proposals would not protect the existing natural environment and countryside resulting in moderate harm, and would therefore represent an isolated and unjustified form of development within the open countryside, and would not therefore accord with the environmental dimension. Given that these roles should not be taken in isolation as they are mutually dependent, the proposal does not therefore amount to sustainable development.

22. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR