



Appeal Decision

Site visit made on 20 June 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 11th August 2017

Appeal Ref: APP/V0728/W/17/3171974

Land on the south side of Trout Hall Lane, Skelton Green, Skelton in Cleveland.

- 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 and Mrs Bayles against the decision of Redcar & Cleveland Borough Council.
 - The application Ref: R/2016/0547/FF, dated 26 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a three bedroom dwelling house, access, hard-standings, drainage and planting ancillary to that use.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On 10 May 2017, after the appeal was lodged, the Supreme Court issued its judgement in respect of *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG and Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37* which considered the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14. The views of the parties were sought regarding any implications that the judgement may have in respect of the matters in this appeal, and I have had regard to the responses received.

Main Issue

3. The main issue in this appeal is whether the appeal site is a suitable location for a dwelling house, having regard to the development plan and access to shops, services and facilities.

Reasons

4. The appeal proposal is for the erection of a detached, three bedroom, dwelling house with accommodation partly within the roof space on a site of approximately 975 square metres. This forms part of a larger area, that is described in the application as an agricultural small holding, and which also contains an existing agricultural building. The appeal site lies beyond the main built up area of Skelton Green and is located approximately 80 metres beyond the last property on Trout Hall Lane.

5. Policy CS2 of the Redcar and Cleveland Core Strategy 2007 (Core Strategy) sets out a locational strategy for the Borough with the majority of new development being directed towards main settlements, with only limited development being intended elsewhere. In the countryside development is limited to rural needs. This policy pre-dates the publication of the Framework and to an extent, promotes a sequential approach to development based on a policy contained in a now revoked Regional Spatial Strategy. However, it is still broadly consistent with the approach to development set out in the Framework which seeks to promote the vitality of main urban areas and patterns of growth to make the fullest use of public transport walking and cycling, whilst recognising the intrinsic character and beauty of the countryside; supporting rural communities; conserving and enhancing the natural environment; and avoiding areas at risk of flooding.
6. Skelton Green is designated as a village under Policy CS2, where only limited development is envisaged. Policy DP1 of the Redcar and Cleveland Development Policies Development Plan Document 2007 (DCPDP) sets development limits for settlements and sets out criteria against which development beyond these limits will be assessed. The supporting text to Policy DP1 states that the purpose of development limits is to contain future development and to make a clear distinction between the urban area and the countryside.
7. It is common ground between the parties that the appeal site lies beyond the development limits referred to in Policy DP1. The appellant, however, argues that Policy DP1 is out of date and can only be given limited weight due to the age of the policy and the development limits on which it relies. Reference is made to two appeal decisions that considered Policy DP1¹ and concluded that it was out of date. These decisions were, however, made before the Supreme Court Judgement on *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG*, and *Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council*.
8. This judgment examined what are relevant policies for the supply of housing and the Supreme Court indicated that these were policies relating to the provision of housing such as housing allocation policies. I note that the decisions in the appeals cited by the appellant are, in part, based on Policies DP1 and CS2 being housing supply policies and that these were considered out of date in the absence of an identified five year housing land supply at the time that the decisions were made. Within the narrower definition of relevant policies arrived at in the Supreme Court judgement this would not now necessarily be the case.
9. The key question is whether the result of the policies is a five year supply of deliverable housing land, which in its absence, engages the fourth bullet point in Paragraph 14 of the Framework.
10. In respect of this there is some disagreement between the parties. The Council in their most recent Five Year Housing Land Supply Assessment, dated September 2016, state that there is a 7.3 year supply of deliverable housing land. The appellant contests that there is some doubt over this level of supply but has not carried out his own assessment of housing supply. Whilst the appellant has provided figures purporting to show under-delivery against

¹ Appeal Ref: APP/V0728/A/13/2190009 and Appeal Ref: APP/V0728/W/15/3006780

housing targets, the source of this is not clear or verifiable. The appellant also relies on housing targets from the revoked Regional Spatial Strategy and figures produced in support of a scheme at Marske Road, Saltburn² to suggest that the housing land supply situation is in the order of three years, although the data from which these figures are derived is not before me. The Guidance also states that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs³.

11. Since the Marske Road decision was issued the Council has updated its Strategic Housing Market Assessment, in January 2016, and, consequently, I can give only limited weight to the figures from this decision as they are derived from older data. There is no compelling evidence before me which would contradict the Council's most recent Five Year Housing Land Supply Assessment. Whilst I note that this has not been yet tested at a local plan examination, it is not necessary for this appeal to require the level of detailed analysis that takes place at such an examination, and on the basis of the evidence before me, I can see no reason not to accept the Council's position.
12. This being the case, the Policies referred to are, at this time, delivering a five year housing land supply and the 'tilted balance' in the fourth bullet point of Paragraph 14 of the Framework is not engaged. The purpose of Policy DP1 is to direct development in a manner that is compatible with the spatial strategy in Policy CS2, which I have found to be consistent with the objectives of the Framework. Despite their age significant weight can, therefore, still be given to these policies.
13. As the appeal site is beyond the development limits set out in Policy DP1 it is, by definition, in the countryside where Policy CS2 states that development will be limited to rural needs. There is also no disagreement between the parties that the appeal proposal does not meet any of the criteria set out in Policy DP1. Although the proposed dwelling would be located near to an existing agricultural building, on land that is operated as a small holding, it is not argued that the dwelling is essential in connection with that use. The proposal, therefore, does not comply with Policies CS2 and DP1.
14. The Framework is a material consideration and Paragraph 55 addresses sustainable development in rural areas, and states that isolated homes in the countryside should be avoided unless there are special circumstances. Although the appeal site is not within the village, it lies only some 80 metres from the curtilage of the last house on Trout Hall Lane. As such, whilst the proposed development would be detached from the village and within the countryside, it could not be described as isolated within the ordinary dictionary meaning of the word.
15. Paragraph 55 also states that in order to promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities, and gives as an example development in one village that forms part of a group supporting services in a village nearby. Whilst there is a limited range of facilities in Skelton Green and Boosbeck and a much wider range in Skelton, and the occupiers of the new dwelling would doubtless use some of these, there is no evidence before me that any of these services are at risk of being lost through lack of support. A single dwelling would make, at best, a

² Appeal Ref: APP/V0728/W/15/3006780

³ Paragraph: 030 Reference ID: 3-030-20140306

very small contribution to increasing spending in the local economy or the use of other services, and it has not been put to me that there is a need for additional housing to maintain the vitality of the village. Consequently, I find only very limited support for the proposed development in Paragraph 55.

16. There are only limited facilities within Skelton Green and although it has a hot food takeaway, the closest food shops are in Skelton and, consequently, there would be a need for the occupiers of the new dwelling to travel to meet most of their basic day to day needs. There is also a relatively good range of services and facilities in Skelton, in addition to some employment opportunities. Whilst these could potentially be accessed on foot or by bicycle, I saw when I visited the site that Green Lane is a relatively narrow and busy road, and that whilst it has some street lighting, there is not a continuous footway from Skelton Green to Skelton. There are two public rights of way that could be utilised, although these are also unlit and the surface quality varies on the bridleway that is closest to the appeal site. As such I do not consider that these would be attractive routes to pedestrians or cyclists for regular use, particularly during the winter months or inclement weather.
17. There are bus stops near the junction of Trout Hall Lane and Boosbeck Road that have an hourly bus service to Skelton and further afield. Whilst the Council do not consider this to be a regular service, it nonetheless offers some opportunities to access shops services and employment opportunities by means other than the private car. That said, due to the location of the appeal site beyond the current built up area of Skelton Green and the street lighting on Trout Hall Lane terminating at the current last house, some 80 metres from the appeal site, this would be a less attractive option during the those times of the year when daylight hours are restricted.
18. For these reasons, I consider that whilst there are opportunities for utilising sustainable transport, the occupiers of the new dwelling would be more dependent on the use of private vehicles to meet their everyday transport needs. These journeys would not necessarily be long and the Framework recognises that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nonetheless, there would be a small amount of environmental harm resulting from the development.
19. When read together, Core Strategy policies CS15, CS20, DCPDP Policy DP3 and parts of Policy DP2 seek to ensure that new development is of a high standard of design, that has regard to its context and which incorporates sustainable construction techniques. The proposed new dwelling is of a contemporary design which, whilst using materials that are not common in the surrounding area, is not inherently objectionable. There is nothing in the Council officer's report that would indicate that the Council consider the design to be poor.
20. The dwelling would, however, be located in the countryside, which would have the effect of altering the appearance of the of the area surrounding it as a result of the insertion of a new residential building that is unrelated to the existing built form of the village. I saw when I visited the site that beyond the last current dwelling, Trout Hall Lane very much has the character of a rural lane running through open countryside. Although it would be partly screened by the hedges at the side of the lane, the introduction of a new dwelling divorced from the main built up area of the village would be an anomalous

feature that would be harmful to the rural character. This would conflict with criteria e) of Policy DP2.

21. There is no evidence before me that development would adversely affect any heritage assets or result in the loss of best and most versatile agricultural land.
22. Parts c) and g) of DCPDP Policy DP2 address the effect of development on the living conditions of the occupiers of neighbouring properties and on the environment and human health. Due to the separation distance between the proposed dwelling and the nearest house, it would have no effects in terms of loss of privacy or overlooking, nor would it result in any loss of daylight or sunlight to this property. Whilst it would be visible from some windows in this and other properties, again the distance is such that there would be no appreciable effect on outlook. There is no substantive evidence before me that the proposed development would cause any unacceptable risk to the environment.
23. I would also agree with the appellant's position that there is no fundamental conflict between the proposed development and the requirements of Policy CS6 in respect of the role of the villages in the Borough.
24. No particular benefits associated with the development have been identified other than a small scale addition to housing supply. There would be some modest economic benefits during construction and thereafter a modest degree of additional spending in local economy. However, one dwelling could not reasonably be said to significantly boost the supply of housing.
25. Taken overall, the proposed development does not comply with the requirements of Core Strategy Policy CS2 or DCDPD Policy DP1, which despite not being wholly consistent with the Framework can still be given significant weight. On the basis of the evidence before me, the Council's policies are resulting in the delivery of a five year supply of housing land and the tilted balance in the fourth bullet point of Paragraph 14 of the Framework is not engaged.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would run contrary to the Council's spatial strategy, which although set out some years ago is nonetheless consistent with the principles of sustainable development by seeking to direct development to locations which are best able to support it and limiting development in other areas to that which has particular locational requirements.
27. Whilst the proposed development would have some small scale benefits, it would also cause harm to character and appearance of the area and cause environmental harm through the need to travel to access, shops services and employment opportunities. Overall these small scale benefits do not amount to sufficient material considerations to warrant making a decision other than in line with the development plan.
28. I therefore find that the appeal site is not a suitable location for a dwelling house, having regard to the development plan and access to shops, services and facilities. It would be contrary to the relevant requirements of Core Strategy CS2 and Policies DP1 and DP2 of the DCDPD which seek to direct new

development to existing built up areas unless there is a functional need for a location in the countryside. This is, to my mind, an important matter such that the proposal is contrary to the development plan as a whole, notwithstanding compliance with other policies as set out above.

Conclusion

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

John Dowsett

INSPECTOR