
Appeal Decision

Site visit made on 13 November 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 29th November 2017.

Appeal Ref: APP/G2713/W/17/3181853

Annex to Crabtree House, Carlton-in-Cleveland, Stokesley TS9 7DZ

- 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 Michael Akester against the decision of Hambleton District Council.
 - The application Ref 16/02543/FUL, dated 17 November 2016, was refused by notice dated 26 July 2017.
 - The development proposed is change of use of annexe to independent dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether or not the proposal would be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities.

Reasons

3. The appeal property comprises of a detached brick built structure which was previously in use as an annex to the main house which is situated around 45m to the north. The appeal site is situated within its own curtilage and it is accessed via a long private drive off the A172. The site is situated in the open countryside and outside of defined development limits.
4. Policy CP2 of the Council's Core Strategy (CS) 2007 seeks to ensure that development and the provision of services are located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided. Policy CP4 of the CS seeks to support development or activities of a scale and nature appropriate to secure the sustainability of settlements within Development Limits. However, development in other locations such as the open countryside will only be supported when an exceptional case can be made in line with the terms of Policies CP1, CP2 and CP4 of the CS.
5. The proposal is for general purpose housing and there is no evidence before me that the proposal is intended to serve a particular rural need or that it would meet the criteria set out at Policy CP4. The site is situated around 2km from the nearest settlement of Carlton-in-Cleveland. The settlement has a church, pub, village hall and a primary school and a bus services runs through the village to destinations including Northallerton, Brompton and Stokesley.

6. Reaching Carlton-in-Cleveland from the appeal property would involve a long walk of around 1.2km along the private driveway which is unlit in order to reach the A172. Occupiers would then have to walk along the busy A172 which is unlit and has no footpath before turning to walk along Alum House Lane towards Carlton-in-Cleveland which also has no footpath or lighting. I consider that the considerable half an hour walk would be off-putting to future occupiers, particularly in the evenings and in the winter when most of the walk would be in the dark. I, therefore, consider that future occupiers would be likely to utilise the private car for the majority of journeys in order to reach services. Consequently, the development would not minimise the need to travel as required by Policy CP2.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside unless there are special circumstances. A recent judgement¹ concerns the interpretation of the term '*isolated homes in the countryside*'. It was found that the word '*isolated*' is not defined in the Framework and the judge considered that '*isolated*' should be given its ordinary objective meaning of '*far away from other places, buildings or people; remote*'. The immediate context is the distinction in paragraph 55 between '*rural communities*', '*settlements*' and '*villages*' on the one hand and '*the countryside*' on the other. This suggests that '*isolated homes in the countryside*' are not in communities and settlements.
8. The site is situated approximately 45m from the host property and the nearest property Crabtree Farm is situated half way up the long access road. It lies around 2km from the nearest settlement. The property does not, therefore, relate well either visually or functionally to existing settlements. Consequently, I consider that the proposal is isolated in the context of paragraph 55 of the Framework. The above mentioned case differs from the current appeal proposal as it was situated within a village which limits the weight which I can attach to it in my Decision.
9. One of the exceptional circumstances set out at paragraph 55 of the Framework is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The property has been unoccupied for over 3 years and the proposal would, therefore, re-use a disused building. However, there is no evidence before me that the proposal would result in an enhancement to the immediate setting of the appeal property. Furthermore, the proposal would not enhance or maintain the vitality of rural communities.
10. Attention is drawn to the previous use of the appeal property as a building contractor's office granted planning permission in 1987² and more recently its use as a holiday cottage which ceased in 2014. However, holiday use would be materially different from the current appeal proposal in terms of access and travel requirements and the daily needs of permanent residents. Although there is an existing building, the proposal would result in the creation of a new isolated permanent home in the countryside.
11. There is no evidence before me relating to the traffic generated by the use of the property as a building contractor's office; however, I accept that this may

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

² Planning permission reference 2/87/095/0003A

have been higher than the use of the property as a permanent residence. However, this use would have been granted within a different development plan context. Consequently, neither of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. In any case, I have determined the current appeal on its own merits.

12. I acknowledge that the appeal property has a separate curtilage and would be capable of being occupied as an independent dwelling. I also note that the proposal would be connected to a septic tank and that household refuse would be placed at a communal point at the entrance to the farm road. However, this would not outweigh the significant harm which I have identified.
13. Attention is drawn to the declining health of the appellants and also that the proposal would enable them to finance their continued way of life. Whilst I do not underestimate these concerns they are not sufficient to outweigh the significant harm arising from the proposal.
14. There may be some economic benefits of the proposal as future occupiers would use local services and the proposal would make a contribution, albeit limited to housing land supply. However, future occupiers would rely on the private car to access local services and meet their day to day needs and the proposal would not, therefore, meet the environmental dimension of sustainable development. The limited contribution to housing land supply and the limited scale of economic benefits would be significantly outweighed by the harm which I have identified.
15. For the reasons stated, I conclude that the proposal would not be an appropriate location for development having regard to the settlement strategy for the area and the accessibility of services and facilities. Furthermore, I do not find that exceptional circumstances have been adequately demonstrated by the appellant as required by Policies CP1 and CP2 of the CS. The proposal also fails to meet the provisions of Policy CP4 of the CS.

Conclusion

16. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector