
Appeal Decision

Site visit made on 2 November 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 30th November 2017

Appeal Ref: APP/G2713/W/17/3180127

**Existing storage structures & land to the west of number 46 (Rawcliffe)
Cooper Lane, Potto DL6 3HA**

- 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 Anton Lang against the decision of Hambleton District Council.
 - The application Ref 16/02573/FUL, dated 21 November 2016, was refused by notice dated 9 June 2017.
 - The development proposed is described as 'Demolition of two smaller storage structures and conversion of existing large storage structure into two, semi-detached, two-storey dwellings (through insertion of a new mezzanine floor) with associated external alterations to provide windows & doors, access driveway, gardens/curtilage, and car parking spaces'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the submitted plans that the development involves the creation of a full first floor within the large structure and not a mezzanine. I have therefore considered the appeal proposal on the basis of the scheme shown on the plans.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. Potto is a small village with a limited range of services, surrounded by open countryside. Policy CP4 of the Hambleton District Council Local Development Framework Core Strategy (the CS) defines a Settlement Hierarchy of service centres, service villages and secondary villages. Potto is not designated in the Settlement Hierarchy. CS Policy CP4 sets out that, within the Development Limits of designated settlements, development of an appropriate scale and nature will be supported; development in other locations (in settlements or in countryside) will only be supported in exceptional circumstances. This policy approach is reiterated in Policy DP9 of the Hambleton District Council Local Development Framework Development Policies (the DP).

5. Both the CS and DP pre-date the National Planning Policy Framework (the Framework). In order to promote sustainable development in rural areas, the Framework sets out at paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities. By way of example it states that, where there are groups of smaller settlements, development in one village may support services in a village nearby. National policy, as set out in paragraph 55, seeks to avoid new isolated homes in the countryside unless there are special circumstances. Whilst the word "isolated" is not defined in the Framework, the recent Braintree judgement¹ found that that "isolated homes in the countryside" are not in communities and settlements and so the distinction between the two is primarily spatial/physical.
6. CS Policy CP4 and DP Policy DP9 do not allow for new general market housing development in settlements outside of the designated settlement hierarchy, and so are not wholly consistent with the Framework. However, I consider that the countryside protection aims of these policies are consistent with the core planning principles set out in paragraph 17 of the Framework, and accordingly can be afforded substantial weight insofar as they relate to the protection of the character and appearance of the countryside.
7. Further to the publication of the Framework, the Council has produced Interim Policy Guidance (the IPG). This sets out the criteria by which proposals for small scale housing outside of Development Limits and in villages which fall outside of the defined Settlement Hierarchy will be considered. There is nothing in the IPG to suggest that it does not apply to residential conversions. Whilst it does not form part of the development plan, it has been subject to consultation and is broadly consistent with both the Framework and the Braintree judgement and consequently is a material consideration which I afford moderate weight.
8. The IPG considers service villages and secondary villages to be 'sustainable settlements' and states that other settlements may also meet the sustainability requirements particularly when considered as a cluster with other villages. The settlement of Hutton Rudby, which the IPG defines as a service village with a range of services including a school, shop, post office, pubs, churches and village hall, is approximately 2km from Potto. Therefore, the Council considers that Potto forms part of a sustainable cluster and that the proposal would satisfy IPG criterion 1. Based upon the evidence before me, I see no reason to take a different view.
9. Extending on a broadly north-south alignment, Potto has a linear form and, in the main, the largely residential buildings front Station Lane and Cooper Lane. Whilst the historic core of the village features 2 storey cottages, more recent dwellings near the appeal site are predominantly detached bungalows, some with accommodation in the roof space, set in fairly generous plots. Common to all development within the village is the mellow palette of materials, including brown and red brick and tile, stone and cream render.
10. The appeal site lies to the west of the residential property known as Rawcliffe, at 46 Cooper Lane, which itself is set behind a pair of dwellings fronting the road at 42 and 44 Cooper Lane. The site is adjacent to the westernmost extent of the residential development along this stretch of Cooper Lane. In this

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

context, and having regard to the evidence before me, I do not consider the appeal site to be isolated. Thus, the proposed development would not result in 'new isolated homes in the countryside' and therefore the special circumstances set out in the bullet points to paragraph 55 of the Framework do not apply.

11. The site occupies the north-east corner of a large field and contains a sizeable building of agricultural appearance constructed from block work and corrugated metal sheets, together with 2 adjacent smaller sheds. Other than a small area of hardstanding adjoining the structures there is little hard surfacing within the site. A row of tall conifers runs along the eastern boundary with Rawcliffe while on the northern boundary there is mature planting to the rear of the buildings. There are low post and wire and timber fences and a field gate along the southern and western boundaries. A network of public rights of way, from which the site is visible, runs through open countryside to the west and south.
12. The proposed development involves the demolition of the 2 smaller structures and the conversion of the large structure, including the creation of a first floor and installation of doors and windows to the north and south elevation, to form 2 semi-detached 2 storey dwellings. Access would be via the existing track leading off Cooper Lane, with a parking area where the sheds currently stand.
13. Due to its siting beyond the settlement's established residential development, its open and predominantly soft landscaped form and the scale, design and materials of the existing structures, there are strong physical, visual and functional connections between the appeal site and the farmland in which it is located. Thus, the appeal site has an agricultural character redolent of the countryside which surrounds Potto rather than the residential character of the settlement itself.
14. The proposal would result in a ribbon extension of residential development encroaching into the countryside, out of character with Potto's established linear settlement pattern of dwellings principally sited along road frontages. The scale of the development, which would incorporate 2 full storeys, would not reflect the lower 1 and 1.5 storey height of neighbouring dwellings. Rather than softening its appearance, the insertion of numerous domestic windows and doors would appear at odds with the functional agricultural appearance of the existing structure. Moreover, the block work and corrugated metal sheet walls would not reflect the soft, warm materials characteristic of the local domestic vernacular.
15. Overall, by virtue of its siting, scale, design and materials, the proposed development would result in an urbanising and highly incongruous incursion into the countryside. Consequently, it would fail to recognise the intrinsic character and beauty of the countryside, as required by paragraph 17 of the Framework, and would fail to respond to local character and history, reflect the identity of local surroundings and materials and reinforce local distinctiveness as required by paragraphs 58 and 60 of the Framework.
16. The proposed retention of existing boundary planting to the north and east of the structure would provide some screening, however the development would be highly visible from the open countryside and public rights of way to the south and west. The proposal to paint the structure would not ameliorate its stark utilitarian appearance. The appellant has suggested the imposition of a condition requiring details of a scheme for the cladding of the structure; whilst this may achieve a more sympathetic external finish, it would not overcome my

concerns in relation to the siting and scale of the development. Although a condition to control the extent of curtilage around the structure could limit the amount of domestic paraphernalia associated with the proposed dwellings, it would result in uncharacteristically small plots.

17. The appellant refers to an enhancement to the immediate setting arising from the proposal. At the time of my site visit, the buildings and external areas of the site were generally clear. While the large structure has a rather dilapidated external appearance this does not justify the harm that would result from the proposal, particularly as there is no reason to believe that this matter could not reasonably be resolved by other means. The screening provided by the planting along the northern boundary and the modest height and depth of the 2 smaller structures mean they are not prominent features in the surrounding area, and their removal would not result in any wider physical or visual enhancement or materially increase openness. I therefore give these matters limited weight.
18. Consistent with the objectives of the Framework, DP Policy DP12 seeks to maximise the development of previously developed land (PDL). However, in this case, given the planning history of the large structure set out in the submitted evidence and the Framework definition of PDL², there is insufficient information to conclude that the proposal involves the reuse of PDL. The appellant makes reference to permitted development rights under Class Q³ in relation to the change of use of agricultural buildings to dwellinghouses. However, the Planning Practice Guidance⁴ states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and further that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Based on the evidence before me, the construction of substantial new structural elements would be necessary to enable the existing structure to be used as dwellinghouses. As such, it has not been demonstrated that permitted development rights exist in this case. For the foregoing reasons I give these matters little weight.
19. The appellant's submissions make reference to other appeal decisions in the district and elsewhere. I do not have full details of these cases before me. However, based on the submitted evidence, it appears that the circumstances of these other developments are not directly comparable with the appeal proposal. Consequently, I attach little weight to the findings of the other Inspectors. In any event, I am required to reach conclusions based on the individual circumstances of this appeal and have done so.
20. For the reasons set out above, I conclude that the proposed development would have a harmful effect upon the character and appearance of the area. As such, the appeal proposal would conflict with the countryside protection and design aims of CS Policies CP1 and CP4, DP Policies DP9, DP28, DP30 and DP32, the IPG and the Framework.
21. Potto is in fairly close proximity to shops and services in Hutton Rudby and, based on the evidence before me, the settlement is served by public transport. Thus, I find no conflict with the sustainable transport aims of CS Policy CP2 and so have not had regard to it on this occasion.

² National Planning Policy Framework Annex 2: Glossary

³ Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class Q

⁴ Planning Practice Guidance, Paragraph: 105, Reference ID: 13-105-20150305

Other matters

22. On the basis of the evidence before me, the appeal proposal would not result in harm to the living conditions of neighbouring occupants or to highway safety, and would be capable of being accommodated within the capacity of existing infrastructure. However, a lack of harm in respect of these matters is a neutral factor which does not weigh for or against the proposal.
23. Whilst the appellant makes reference to paragraph 90 of the Framework, the appeal site is not situated within the Green Belt, and therefore this matter is not relevant to the proposed development.
24. The appellant's concerns regarding communication and delay at application stage do not materially affect my consideration of the planning merits of the case.

Planning Balance and Conclusion

25. The appeal proposal would have a harmful effect upon the character and appearance of the area contrary to the countryside protection and design aims of development plan policy and guidance and the Framework. I give this matter significant weight. The development would create employment during the construction phase and introduce new residents to Potto who may help to enhance or maintain the rural community. I afford moderate weight to these modest economic and social benefits. Whilst I note the appellant's references to a housing shortage, there is no evidence before me to demonstrate that there is an absence of a 5-year supply of land for housing within the district. Moreover, even if I were to conclude there is a shortfall in the 5-year housing land supply, the proposal would make a very small contribution to that supply. I therefore give this matter limited weight.
26. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply. There are no material considerations of sufficient weight to indicate that the decision should be taken other than in accordance with the development plan.
27. Accordingly, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR