
Appeal Decision

Site visit made on 22 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/G2713/W/18/3215395

The Grange Mews, Grange Track, Great Ayton TS9 6PY

- 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 Lee Freer against the decision of Hambleton District Council.
 - The application Ref 17/02078/FUL, dated 18 September 2017, was refused by notice dated 8 May 2018.
 - The development proposed is change of use from annex to dwelling class C3.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Lee Freer against Hambleton District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be in an accessible location.

Reasons

4. The appeal site is a two storey building attached to the residential property described as The Grange Coach House. There are two other properties adjacent to the appeal site which appear to be in residential use. Given the close proximity of the appeal site to the existing dwellings, and in line with some of the findings of the High Court¹ and Court of Appeal² Judgements in relation to the Braintree case and the Court of Appeal³ Judgement in relation to Dartford case, the appeal site is not within an isolated location and would constitute previously developed land.
5. The appeal site and the group of buildings in which the site sits are detached from other settlements in the area by open countryside and are not in a built-up area. The future occupants of the proposal would be reliant on services from nearby settlements. The appellant has indicated that the proposed property is within walking distance to the facilities within the nearby settlement of Great Ayton, which is described as a "Service Village".

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin).

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

³ Dartford Borough Council v SSCLG & Ors [2017] EWCA Civ 141.

6. Two routes have been identified to reach Great Ayton from the site and these are the Northern Driveway along Yarm Lane and the Public Right of Way (PROW). These routes however are not desirable walking routes. Neither routes have lighting with Yarm Road having no footpaths and being narrow in places. It is therefore unlikely that occupants of the proposal would walk these routes particularly at times of limited daylight.
7. It has been described that the distance from the appeal site to the development limit of Great Ayton is 350 metres via Northern Driveway along Yarm Lane and 100 metres along the PROW. The nearest bus stop is a further 450 metres from the development limit with the local school being 950 metres from the appeal site and the shops in Great Ayton being 1500 metres away. Whilst the distance to the development limit is relatively short, the distance to services within Great Ayton is significant and I am not convinced that future occupants of the property would walk to these facilities. It would be more likely that future occupants would access these facilities by the use of private motor vehicles.
8. The National Planning Policy Framework (the Framework) does indicate that development may support services in a village nearby. The Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the above factors, the proposal would still be likely to result in the majority of journeys being by private motor vehicle, with its associated cumulative negative effects in terms of emissions and air quality. The small benefits from future occupants of the properties contributing to nearby services would not be outweighed by the reliance on motor vehicles and subsequent negative environmental effects.
9. I have had regard to the appellant's statement of case including the Angrove Park development⁴ for a holiday lodge park. I acknowledge that the Council Officers report refers to the PROW and references sustainability in terms of proximity to local services. However, a material consideration detailed in the report includes the positive contribution the holiday lodges would have on the local rural economy. I do not consider that the Angrove Park development is directly comparable to the appeal proposal, including in respect of type and size of the development. In any case, I have determined the appeal on its own merits.
10. Given the above, I find that the proposal would not be suitably located with regards to access to services. The proposal fails to comply with Policies CP1 and CP2 of the Hambleton District Council Development Plan Document 2008 (DPD) which, amongst other things, seeks development to be located to reduce the need to travel by car; and to promote and encourage the efficient use of land.

Other matters

11. The proposed development would be a sub-division of the existing dwelling, it would not have an adverse effect on the natural or built environment and would not compromise highway safety. These matters however, would not outweigh the harm I have identified above.

⁴ Local Planning Authority Reference: 16/02048/FUL

12. A number of appeal decisions⁵ have been brought to my attention which have been allowed. However, I do not have full details of these appeals or the circumstances that led them to being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of location and relationship with services. Nevertheless, this appeal has been determined on its own merits.
13. I have had regard to comments made regarding the previous 2017 appeal decision⁶ related to this site, including that the appeal (and the 2014 appeal decision) predated the Braintree and Dartford decisions. I have assessed the proposal subject of this appeal on its own merits from the evidence that has been presented to me.

Planning Balance

14. The appellant considers Policy CF4 of the DPD and Interim Policy Guidance 2015 to be out of date and indicates that paragraph 11 of the Framework is engaged. If this was the case then the presumption in favour of sustainable development shall apply and the proposal should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. In terms of the Framework's three overarching objectives, there would be some social and economic benefit in the occupation of a new dwelling. Whilst all contributions have a value, it is noted that those offered by one dwelling would be relatively limited and would not make any decisive difference to the viability of nearby settlements. Protecting the environment is also a key aspect of achieving sustainable development. The proposed dwelling would be in an unsuitable location which would be likely to lead occupiers making many journeys by private motor vehicles contrary to the promotion of more sustainable forms of transport within the Framework.
16. Taking account of the above factors, the adverse impacts of granting permission would significantly and demonstrably outweigh the relatively limited benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal cannot benefit from the presumption in favour of sustainable development. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan. I have already identified significant conflict with relevant development plan policies.

Conclusion

17. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR

⁵ Appeal reference numbers (as described by appellant): 3191044; 3183536; 3192932; 3188984; 3193255; 3191919; 3184243; 3181485; 3166585; 3194926; 3135141.

⁶ Appeal reference numbers: APP/G2713/W/16/3155914