



Appeal Decision

Site visit made on 9 August 2019

by M Seaton DipTP MRTPI

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

Decision date: 24/09/19

Appeal Ref: APP/V2723/W/19/3224024

OS Field 3825, Scurragh Lane, Skeeby, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Christopher Partridge against the decision of Richmondshire District Council.
 - The application Ref 18/00609/OUT, dated 17 August 2018, was refused by notice dated 7 November 2018.
 - The development proposed is a dormer bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters related to appearance, landscaping, layout, access and scale reserved for later consideration. I have therefore dealt with the appeal on this basis and treated the submitted plans as an indication only of how the appeal site might potentially be developed.

Main Issues

3. The main issues are:
 - whether the proposed development would accord with the housing policies of the Development Plan, and the effect on the character and appearance of the countryside; and,
 - whether the proposed development would satisfactorily address the delivery of affordable housing in the District.

Reasons

4. The appeal site is comprised of an area of grazing land laid out as a paddock and adjacent to other similarly laid out land to the east and west. Beyond to the north is open countryside with Scurragh Lane to the south with the boundary to the road delineated by a significant line of mature planting and trees. A line of detached dwellings is set further to the east on the northern side of Scurragh Lane close to the junction with A6055, and a couple of dwellings set a distance to the west close to where Scurragh Lane turns through 90° to head broadly north.

Housing

5. It is indicated that the proposed dwelling would be comprised of a dormer bungalow. The dwelling would be located within the open countryside, a considerable distance from the village of Skeeby. Contrary to the appellant's contention that the proposal would amount to infill development, it would be set significantly apart from neighbouring development in the form of the existing ribbon development of dwellings located on Scurragh Lane, and the smaller group to the west.
6. The proposed development would not accord with the expectation of the Policy CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy 2014 (the Local Plan) for new housing to be located either within or adjacent to existing settlements and would not occupy a location with reasonable access to services and facilities. Furthermore, whilst I am not persuaded that the location of the proposed development would meet the definition of an isolated home in the countryside as set out in paragraph 79 of the National Planning Policy Framework (the Framework), the appellant has not advanced any functional requirement or specific circumstances to justify the dwelling being situated within this rural location and beyond the extent of existing settlements.
7. Whilst I observed that the appeal site would be largely screened from Scurragh Lane by existing mature planting and trees, a dormer dwelling and its curtilage would inevitably result in a significant alteration to the open and rural character of the existing land and as a consequence would contribute to the urbanisation of the countryside by the residential character of the development. Whilst I recognise there are residential plots of a similar size within the wider vicinity, I am satisfied that in this specific location the proposal would result in an adverse visual impact on the rural setting of the land and its surrounds, and the character and appearance of the area.
8. The appellant has indicated the intention that the proposed dwelling would be of a high-quality design. However, I appreciate that the proposal is made in outline at this stage with all matters reserved, and whilst this may be a factor which would weigh in support of the proposal at the reserved matters stage, I am not persuaded that it would have any significant weight in support of the proposed development at the current stage.
9. For the reasons set out above, the proposed development would not accord with the housing policies of the Development Plan and would result in an adverse effect on the character and appearance of the countryside. This would conflict with Spatial Principles SP1, SP2, SP3 and SP4, and Policies CP3, CP4, CP8 and CP12 of the Local Plan, which seek to ensure that sustainable development which promotes the character and quality of the wider countryside will be supported, that proposals should reflect and deliver the strategy for the future development of the plan area including by encouraging small scale housing developments in or adjacent to smaller villages which support rural sustainability, and maintain the landscape character of the plan area.

Affordable housing

10. The Council has identified that the proposed development has failed to address the need for affordable housing in the form of a financial contribution. The requirement for such provision is identified through Policy CP6 of the Local

Plan. The policy highlights that a contribution towards affordable housing will be expected on all housing sites where there is a net gain in dwellings, with commuted sums in lieu of on-site provision considered where some or all of the contribution would not provide for a complete home. The policy indicates that small scale Local Needs Housing Schemes may be permitted on suitable sites where development would not normally be permitted, albeit that these schemes must meet a proven local affordable housing need and the dwellings must remain affordable in perpetuity. The Council has indicated that the appellant has in principle accepted the requirement for the contribution.

11. Despite the above indication, the appellant has not submitted an agreement under section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards affordable housing, and there is no evidence before me that the development is proposed on the basis of meeting a proven local affordable housing need.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point for decision-making must therefore be the adopted Local Plan which, as set out above, requires the provision of a financial contribution towards affordable housing. Nevertheless, I note that paragraph 63 of the Framework sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
13. The appeal site would appear to accord with the definition of a designated rural areas as set out in the Glossary at Annex 2 of the Framework, and as defined under *Section 157 of the Housing Act 1985*. However, the Local Plan clearly pre-dates the current Framework, and whilst I note the differentiation between the various sub areas in terms of the affordable housing targets, the only reference within the policy to smaller sites is in the context of the waiving of the requirement for a housing contribution where the proposal seeks to provide housing to meet a proven local affordable housing need. The policy does not explicitly set a lower threshold for the requirement of affordable housing in designated rural areas but instead applies a blanket requirement on small sites across the Borough, and as such is not therefore consistent with the Framework in this regard.
14. In any event, I have been mindful of the requirement to consider the need for the obligation in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the three tests as set out at paragraph 56 of the Framework. In this respect, the Council has not provided any supporting evidence or justification beyond the text of the policy in the form of either an Affordable Housing Supplementary Planning Document (SPD), which paragraph 4.6.11 of the supporting text to Policy CP6 indicates would support the delivery through further explanation and guidance, or other document addressing affordable housing need.
15. I find on the balance of the evidence before me, that this omission and the absence of a lower threshold for affordable housing in designated rural areas within the Development Plan, does not therefore justify the requirement for the

contribution sought by the Council. The development does not therefore satisfy the 3 tests set out in the CIL Regulations 2010 and the Framework, and that the contribution is necessary to make the development acceptable in planning terms. I do not therefore find conflict with policy CP6 of the Local Plan.

Planning Balance

16. The appellant has drawn my attention to a large-scale development which it is indicated will be a Designer Outlet at Scotch Corner. Whilst I have had regard to this reference, on the basis of the evidence before me and my own observations of the wider area, I agree with the Council's assessment that its limited proximity would not justify a piecemeal approach to further development in conflict with the spatial principles and policies of the Local Plan. This is not a matter which has had any more than very limited significance in my decision-making.
17. In considering the proposed development, I have been mindful of the three dimensions to sustainable development as set out in the Framework. In respect of the environmental strand, I have already concluded that the proposed development would result in harm to the spatial objectives of the Local Plan, and also that there would be harm to the rural character and appearance of the appeal site and surrounding area. Whilst the appellant has referred to the availability of public transport routes 'on its doorstep', no evidence confirming the details of such provision has been submitted, and I do not therefore attribute any significant weight in support of the proposal to this matter.
18. The appellant has indicated the intention that the proposed development would be a self-build unit and that the land already has all the required amenities in the form of gas, water, electricity and main drains. Whilst this may be the case, this would not attract any more than very limited weight in support of the proposal as a consequence of my conclusions on the principle of development.
19. Turning to the social dimension, the potential provision of an additional dwelling to the local housing market would be an undoubted benefit of the proposed development, however the quantum of development would limit the weight to be attached in this respect.
20. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers going forward, as well as the financial benefits of the New Homes Bonus and from the additional generation of Council Tax payments. These are also factors which would provide some limited weight in support of the proposal.
21. Nevertheless, despite the cumulative benefits which I have summarised above and the absence of conflict in this instance with the Development Plan regarding the provision of affordable housing, I am satisfied that they would not be sufficient to outweigh the harm which I have identified in respect of the main spatial issue.

Conclusion

22. For the reasons set out, the appeal is dismissed.

Martin Seaton

INSPECTOR