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## Appeal Decision

Site visit made on 30 July 2019

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 October 2019**

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**Appeal Ref: APP/G2713/W/18/3217836**

**Beechwood House, High Moor Lane, Shipton by Beningbrough, York  
YO30 1AY**

- 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 Mrs Pamela Hayes against the decision of Hambleton District Council.
  - The application Ref 18/01479/FUL, dated 10 July 2018, was refused by notice dated 9 November 2018.
  - The development proposed is described as 'temporary siting of caravan behind house at Beechwood House, High Moor Lane, Shipton by Beningbrough YO30 1AY.'
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. When the application was submitted the caravan had been erected. On this basis the Council altered the description of proposed works to 'retrospective application for the temporary siting of a caravan behind house at Beechwood House.' This is also the description used by the appellant in the planning appeal form. When I visited the site, I was informed by the appellant that the caravan had been removed. I confirmed that this was the case and noted the remaining hardstanding. However, the appeal has not been withdrawn and, therefore, it requires to be determined. I will therefore consider the appeal on the basis of the description in the application form.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 after the Council made its decision. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

### Main Issue

4. The main issue is whether the proposal would provide a suitable location for housing, having regard to local and national policy.

### Reasons

5. The appeal site is located to the rear of Beechwood House and the adjacent property of Fir Tree Farm. Within the immediate locality of the site there is a

high conifer hedge to the north, an open barn to the west and an open field to the south and east. The prevailing character of the wider area is one of open fields with hedges and mature trees along field boundaries.

6. The proposal is for the siting of a caravan for a temporary period of approximately 18 months to allow the appellant's daughter and family to live there whilst visiting from New Zealand. It would be sited on an existing hard standing which was used for a barn that was previously on the site.
7. It is not disputed by the parties that the site is located outside of any settlement boundary and situated within a countryside location. Policy CP4 of the Hambleton Local Development Framework Core Strategy (CS) (2007) states that development within the countryside will only be supported when an exceptional case can be made in terms of CS Policies CP1 and CP2 and where it meets any of the following specific circumstances: it is necessary to meet the needs of farming and other enterprises with an essential requirement to locate in a smaller village or the countryside; it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; it would provide affordable housing or community facilities which meet a local need; it would reuse existing buildings; it would make provision for renewable energy generation; or it would support the social and economic regeneration of rural areas. In addition, Policy DP9 of the Hambleton Local Development Framework Development Policies (DP) (2008) states that development outside development limits will only be granted permission in exceptional circumstances having regard to the provisions of Policy CP4 of the CS or where it constitutes replacement of a building where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. This approach within the CS and DP is broadly consistent with the provisions as set out in Paragraph 79 of the Framework.
8. I have considered the personal circumstances of the appellant and her family very carefully and have had regard to the fact that the caravan would only be there for a temporary period. However, the proposal would not constitute an exceptional case and would not meet any of the specific circumstances outlined in the relevant policies. This conflict with the development plan would therefore be an adverse impact of the proposal and, in this respect, cause harm.
9. Accordingly, I conclude that the proposed development would not provide a suitable location for housing, having regard to local and national policy. As such, it would be contrary to Policy CP4 of the CS and Policy DP9 of the DP which seek to focus housing within existing settlements and only support development in the countryside when an exceptional case can be made and where it meets the specific circumstances listed. It would also be contrary to the provisions of the Framework which seek to resist isolated homes in the countryside unless in exceptional circumstances.

## **Planning Balance**

10. Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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<sup>1</sup> S38(6) of Planning and Compulsory Purchase Act 2004

11. I have found that the proposed development would not provide a suitable location for housing. In these regards the proposal would be contrary to Policy CP4 of the CS and DP9 of the DP. These policies pre-date the Framework. However, as stated in paragraph 213 of the Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. I have found them to be broadly consistent with the relevant aims and requirements of the Framework and whilst they can restrict development, I attach considerable weight to them and the harm that arises in this case from the conflict I have found with them.
12. There would be some economic and social benefits, albeit temporary, arising from an addition to the housing stock and its occupation. However, I consider that the conflict with the relevant policies and the harm that arises from that conflict would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Other Matters**

13. I note that the Council considered that the proposal resulted in no undue harm to the character and appearance of the site and surrounding landscape in the officer report, but stated that it did not protect the character and appearance of the countryside in its statement of case. Information submitted with the appeal illustrates that the caravan would be a substantial structure of limited design quality. However, given its low level form and screening by the adjacent conifer hedge, it would not be conspicuous in views from public routes such as High Moor Lane or the access road to Beechwood Farm. On this basis, and in conjunction with its temporary nature, I consider that any harm to the character and appearance of the site and surrounding landscape would be limited. However, this does not outweigh the conflict with the development plan and the identified harm of the proposal.
14. I acknowledge that the Council considered that the proposal had no significant impact on the amenity of the neighbouring residential property of Fir Tree Farm. Given the separation distances between the properties and adjacent screening, I have no reason to disagree. However, this does not outweigh the conflict with the development plan and the identified harm of the proposal.
15. The appellant highlights that locating the caravan on the appeal site would be far preferable to siting it to the front and within the curtilage of their property, where it would be an eyesore to them, their neighbours and anyone passing. I acknowledge that this location would be visually prominent. However, I have to determine the appeal before me on its own merits and I have found harm.
16. I note that Shipton by Beningbrough Parish Council raised no objections to the proposal and that no comments were received from Newton-on-Ouse Parish Council or any other individuals. However, these are neutral considerations in the balance and do not justify the conflict with the development plan and the identified harm of the proposal.
17. The appellant asserts that no negotiation about the proposal was attempted or offered by the Council as part of the application process. Be that as it may, it is not a matter for my deliberation in the context of a planning appeal.

## **Conclusion**

18. The proposed development would be contrary to the development plan. I have had due regard to all of the other considerations put forward by the appellant including the personal circumstances of her daughter. However, none of them individually or collectively outweigh the harm that I have identified arising from the conflict with the development plan as a whole. The balance of the considerations is against the appeal proposal and it cannot therefore be considered as sustainable development. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

*F Cullen*

INSPECTOR