



Appeal Decision

Site visit made on 18 November 2019 by S Witherley

Decision by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2020

Appeal Ref: APP/G2713/W/19/3237643

Land to the east of Ham Hall Lane, Scruton

- 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 & Mrs T D Barker against the decision of the Hambleton District Council.
 - The application, Ref 18/02732/OUT, dated 20 December 2018, was refused by notice 22 July 2019.
 - The development proposed as described on the application form is: Outline application (including access) for the construction of 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Reference has been made to the emerging Hambleton Local Plan, however, this is still at an early stage in its evolution and it has not been submitted for examination as yet. It is therefore not clear whether there are any outstanding objections to the emerging issues with the policies and therefore, having regard to paragraph 48 of the National Planning Policy Framework (the Framework) limited weight has been given to these emerging Policies. This appeal is being determined on the basis of the adopted Hambleton Local Development Framework Core Strategy 2007 (CS) and the Hambleton Local Development Framework Development Policies 2008 (DP).
4. The proposal was submitted in outline with all matters, other than access, reserved for future approval. Regard therefore has been given to the proposed site plan in respect of the access points, otherwise I have considered the plan as indicative only. Plans showing the proposed footprint of the dwellings and associated outbuildings were submitted with the application. Again, as approval was not sought for matters of layout, siting or scale, these have been treated as indicative only.

Main Issue

5. The effect of the development on the character and appearance of the area.
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Reasons for the Recommendation

6. The development plan consists of the Hambleton Local Development Framework Core Strategy 2007 (CS) and the Hambleton Local Development Framework Development Policies 2008 (DP). The Council also adopted an Interim Policy Guidance note (IPG) in 2015. This, the Council state, is intended to supplement policies in the development plan in order to reflect the provisions of the the Framework which post-dates the CS and DP.
7. Both parties agree that the site sits outside the defined development limits of the village of Scruton. Policy CP4 of the CS sets out a settlement hierarchy which seeks to direct most new development to settlements that offer the best range of services and facilities. The settlement hierarchy identifies Scruton as a Secondary Village (SV), where small scale development, outside the development limits, will only be supported when an exceptional case can be made in the terms of DP Policies CP1 and CP2 and where it meets a number of criteria (i – vi) set out in Policy CP4, none of which the proposal falls into. Policy DP9 requires proposals that sit outside development limits to have regard to CS Policy CP4.
8. The IPG requires development proposals to meet all five of the criteria set out therein. Whilst the IPG does not have the same status as the development plan, the guidance is consistent with the Framework and can be given significant weight in the determination of this appeal.
9. Within the IPG, Scruton remains classified as a secondary village, and is defined as a 'sustainable settlement'. The IPG supports small scale housing in secondary villages that lie outside of the defined development limits where it results in incremental and organic growth. A development of 3 dwellings falls within the IPG definition of small scale. Nevertheless, the Council considers that the proposal fails to meet part 2 of criteria 2, 3 and 4 of the IPG that seek development to reflect the existing built form and character of the village, that they do not have a detrimental impact on the natural, built and historic environment and lastly that the development does not impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
10. The appeal site forms part of a large, open agricultural field. It sits to the south and west of the main village which follows a predominantly linear form of dense development either side of the main village road. A number of artillery roads run off from this main road to create small clusters of offshoot development. This contributes noticeably to the character and appearance of the village and also results in a distinction between the more densely built up form of the village and the open countryside character beyond the properties.
11. From the junction at the north of the appeal site the transition from densely populated village housing to detached rural housing and open countryside is most notable. Whilst there are properties directly opposite the site to the west, as a result of their rural characteristics and large spacious plots, they appear separate from the more densely packed village housing. The separation and distinction between the appeal site and the village is further apparent by the siting of the detached property located to the south and adjacent to the appeal site, which as a result of its prominent corner plot visually rounds off the village.

12. Whilst the proposed siting of the development is indicative only, the development of 3 dwellings at this location would almost invariably create a linear form of development. This would result in development that would be at odds with the existing open countryside character of its immediate surroundings and would result in encroachment into the open countryside which would be considered neither incremental or organic.
13. As the appeal site is flat it currently allows for extensive views to and from various points in the village and also out across open countryside. These open and long views would be in part lost by the proposed built development form and lead to a detrimental impact on the rural character and open appearance of the area.
14. Furthermore, the introduction of three separate access points along the country lane would break up the natural and characteristic boundary treatment along the western boundary of the appeal site which consists of both stone walling and an established hedgerow which continues along Hamhall Lane. This boundary contributes significantly to the natural character and appearance of the open countryside and its removal to accommodate the three separate access points would cause irrevocable harm to the character and appearance of the area.
15. Having regard to the above findings, the effect of this development in this location would have a substantial harmful effect on the character and appearance of the area. No special circumstances have been demonstrated to allow development to occur outside of the defined SV. Accordingly, the proposal would not accord with the requirements of CS Policy CP4, CP1 CP2 and CP9, the IPG and the provisions of the Framework.

Other matters

16. Both parties have referred to an appeal¹ on land near to the appeal site. This application sought outline planning approval for a single dwelling on land nearby to the proposed development and was dismissed at appeal. It is not considered that the proposals are comparable with each other given that the previous appeal related to 1 no. dwelling on a site with different characteristics. In any event I have considered this appeal on its individual merits.
17. The appellant has submitted details of a number of development proposals which have been approved over a number of years throughout the village of Scruton. No specific details of these proposals have been submitted, however, given that the majority appear to be located within the development limits of Scruton they would not be considered comparable to the proposal as submitted.
18. I note the concerns of neighbouring residents regarding highway safety and flooding issues. However, given my findings in respect of the main issue above, they do not lead me to any different overall conclusion.
19. I note that there are factors that weigh in favour of the proposal, such as providing housing of an appropriate type, size and tenure, that the design aspiration is to create a high-quality development and the social and economic benefits of the development. Moreover, given the location and siting of the development, it would unlikely cause harm to the living conditions or amenities of occupiers of the existing dwellings that lie to the south and west of the site.

¹ APP/G2713/W/17/3179100

However, these factors do not outweigh the harm that has been found with regard to the effect of the proposed development on the character of the surrounding area.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Whitfield

INSPECTOR