



Appeal Decision

Site visit made on 28 January 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/G2713/W/19/3237629

Land Adjacent to Belbrough Lane And Station Lane, Hutton Rudby

- 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 Armstrong Richardson & Co Ltd against the decision of Hambleton District Council.
 - The application Ref 18/02675/OUT, dated 13 December 2018, was refused by notice dated 8 April 2019.
 - The development proposed is the construction of up to five dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application that resulted in this appeal was made in outline only with all matters reserved for future consideration. The submitted plans showing the proposed layout and access arrangements of the site are therefore treated as indicative only.

Main Issue

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

Reasons

4. The appeal site consists of part of an agricultural field on the corner of Belbrough Lane and Station Road, the site slopes gently down away from the roads. The site is open, at the site visit I noted that some new planting has been introduced to the boundaries. The appeal proposal would result in the development of the site to create up to five dwellings, shown on the indicative site plan as being evenly distributed across the site with associated access roads.
5. Belbrough Lane and Station Road form the outside edge of development limits around Hutton Rudby, creating a clear and well-defined boundary to the built development of the settlement. To the south of the appeal site is a playing field and open agricultural fields.
6. Policy DP9 of the Development Policies Development Plan Document) (February 2008) (the DP) relates to Development Limits and details that development beyond the limits will only be allowed in exceptional circumstances. Policy CP4

of the Core Strategy (April 2007) (the CS) details the relevant exceptional circumstances.

7. That the site is outside of the defined development limits and that none of the exceptional circumstances detailed in Policy CP4 of the CS apply in this instance is not at dispute between the parties. Based on the evidence before me I find no substantive reason to disagree.
8. The appellant has suggested that the playing fields, consisting of a playing pitch, bike track and car park, is a part of the physical form of the village. Furthermore, I note that housing on Belbrough Lane extends further to the west, and properties backing on to Station Lane extends further south than the extent of the appeal site. Nonetheless I saw on site that there is a clear degree of separation from the built form of the settlement and the appeal site. such that the proposed development would be a prominent and incongruous development projecting into the open countryside beyond the clearly defined development limits.
9. I note the appellant's Landscape Statement (TGP Landscape Architects) and the reference to the Hambleton Local Plan Settlement Character Assessments and statements with regards the absence of Areas of High Landscape Value, National Parks and Areas of Outstanding Natural Beauty. Nonetheless, the appeal site, part of an agricultural field that forms part of the setting of the village, is situated in a prominent location at the junction of Belbrough Lane And Station Lane and the proposed development would be visible from a number of viewpoints within and outside of the settlement.
10. I therefore find that the proposed development would harm the character and appearance of the area, contrary to policy CP16 of the CS and DP30 of the DP, that amongst other matters seek to protect the natural environment and the character and appearance of the Countryside. As a consequence, I also find that the proposal is contrary to criteria 2, 3 and 4 of the Interim Policy Guidance Note that amongst other matters seeks to protect the existing built and natural environment and the character and appearance of the countryside.

Other Matters

11. I note that the appellant has submitted a unilateral undertaking to provide two dwellings as affordable housing. Furthermore, I note that the provision of a small scale housing scheme as proposed, would contribute to the overall housing supply in the area and would support local services. These are benefits of the scheme that weigh in its favour, but they do not outweigh the harm I have previously identified.
12. It is not at dispute between the parties that the proposed development would not affect the setting of Drumrauck Hall, described by the Council as a non-designated heritage asset. On the basis of the evidence before me I do not disagree. However, the absence of harm is not a benefit of the proposed development, it is a neutral effect and as such does not therefore weigh in favour of the proposed development.
13. The appellant states that the appeal scheme would comply with emerging plan policies and that the emerging local plan will not include development limits. I have no substantive evidence in this regard, and I understand the emerging plan is still at an early stage of production. As such, I have determined the

appeal in accordance with the development plan and material considerations before me as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR