



Appeal Decision

Site visit made on 2 December 2019 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/G2713/W/19/3238344

Land east of Mill Farm, Middleton on Leven, TS15 0JX

- 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 Mrs Burns against the decision of the Hambleton District Council.
 - The application, Ref 19/01580/OUT, dated 18 July 2019, was refused by notice 17 September 2019.
 - The development proposed as described on the application form is: Creation of a single detached dwelling, with access considered, on land to the east of Mill Farm, Middleton on Leven.
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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.

Main Issue

3. Whether the appeal site is in a suitable location for new housing with particular regard to transport links and accessibility to shops, services and facilities.

Reasons for the Recommendation

4. Policy CP4 of the Hambleton Local Development Framework Core Strategy 2007 (CS) and Policy DP9 of the Local Development Framework Development Policies (2008) (DP) set out that development outside of development limits will only be supported when an exceptional case can be made in terms of Core Strategy Policies CP1 and CP2 and where certain criteria are met. There is no dispute that the proposal would not meet any of those criteria.
 5. Paragraph 78 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities such as development in one village may support services in a village nearby.
 6. The Council 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 Framework which post-dates the CS and DP. There is no suggestion that the IPG is inconsistent with the Framework and I am satisfied that the guidance has been
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drawn up having regard to national policy, taking account of local circumstances. Therefore, whilst not formally part of the development plan, the IPG is akin to a supplementary planning document and I attach significant weight to it. The IPG supports small scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where certain defined criteria are met. The Council also produced a revised settlement hierarchy.

7. It is agreed by both parties that Middleton on Leven does not fall within a defined settlement as noted in the settlement hierarchy table contained within Policy CP4 of the CS and is included in the updated settlement hierarchy as an 'Other Settlement'. The IPG states that 'Other Settlements' are unlikely to be considered sustainable unless they form part of a cluster with other villages and that development in villages with no or few services or without convenient access to services in a nearby settlement, will not be considered sustainable. It also states that settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. It also sets out that a cluster is unlikely to constitute a sustainable community if there are few services or if there are significant distances between settlements.
8. The appeal site is located on the edge of a small settlement which appears to have very few facilities. I noted a post box, a church with notice board and signs indicating public footpaths. On approach to Middleton on Leven from the south and on departure to the north I noted that there were no footpaths along the highway albeit there was very little in the way of traffic and this observation accords with the evidence the Council submitted regarding the nature of the road. Whilst there is a public footpath from Middleton on Leven to Hilton, it is unclear whether this route is suitably surfaced and lit and whether the terrain would be appropriate for all ages and abilities to access. Nevertheless, I do not consider that walking to and from the appeal site to Hilton would constitute feasible option most particularly in winter months and when it becomes dark. Nor do I consider that it likely that residents would frequently cycle to the villages of Hilton or Hutton Rugby given the distance by road as noted by the appellant.
9. The appellant notes that there is a school bus funded by the Council that takes children from Middleton on Leven to Hutton Rugby, however, it is not known whether members of the public can also travel on this bus and whether it is available outside of school times and days. As this is a free service funded by the Council it is considered likely that it is provided solely to meet the needs of children as it is not uncommon for Councils to provide free transport to and from schools in rural locations. Given this, it is not considered to be a convenient or sustainable form of public transport for all. It is, therefore, considered that the highway, public transport facilities and public footpaths would not offer up convenient access to services and facilities other than by private car, contrary to the aims of the IPG.
10. During the site visit, I visited the village of Hilton and noted a church, public house and village hall. Whilst providing some community facilities it is my opinion that it does not provide a good collective level of shared services with the village of Middleton on Leven to be considered as 'Cluster Villages' as required within the IPG. I have also considered the appellant's comments regarding its links with Hutton Rugby, which is identified as a 'Service Village'. However, given the distance between the appeal site and Hutton Rugby along with the limited opportunities for sustainable travel, future occupiers of the proposed dwelling are likely to be reliant upon quite lengthy journeys in the private car to meet their day to day needs. Consequently, given the distances involved and the lack

of any real alternative to the private car, the proposal would not be situated in a location that would support local services in a nearby village, contrary to the first criteria of the IPG. Whilst the appeal proposal may accord with some of the criteria as set out in the IPG such as being small in scale and that it would reflect the existing built form and character of the village, I am not convinced that Middleton on Leven forms a suitable location for new residential development having regard to the access to local services.

11. The appellant is concerned that the Council has applied the guidance in the IPG too rigidly, particularly with regard to the suggested 2km distance between settlements. Whilst I agree that should be used as a guide and not a set standard, the broad aims of the IPG require an assessment not only of the distance between settlements but also the availability of alternatives to the private car. For the reasons given, the appeal site is poorly situated to contribute to local services on both accounts. Even in the context of a rural area, having regard to paragraph 84 of the Framework, the available transport options are limited and journey lengths would be significant.
12. It is therefore considered that the addition of one dwelling in this location would not provide sufficient opportunity to support local services given the limited services and transport networks available to it and within the nearby villages. As such and having regard to the above the appeal site is not in an accessible location with particular regard to sustainable transport links. The appeal proposal does not meet with any of the exception criteria and therefore conflicts with CS Policy CP4 which is concerned with development outside of development limits. Additionally, the proposal also fails to accord with the Framework and the guidance set out in the IPG.
13. The appellant has referred to a number of appeals, however, whilst the main issues are similar the characteristics of the developments and their locations are not considered directly comparable with the proposal before me. Notably, the site in the appeal decision relating to Seamer Road, Hilton, was within the settlement limits of the village, in contrast to the proposal before me. Furthermore, there was no reference to the IPG within that decision which would indicate that the guidance was adopted by the Council following the appeal. As set out above, I give the IPG significant weight as it is consistent with the Framework and based on local circumstances. The IPG does not appear to have been before the previous Inspector and the circumstances in which he made his decision are different in that respect. Moreover, Hilton contains a slightly wider range of services than Middleton on Leven and the road links between the two villages and surrounding settlements will not be directly comparable. Therefore, I have considered the proposal on its individual merits, having regard to the relevant material considerations at the time of writing and reference to other decisions does not lead me to alter my recommendation.

Other Matters

14. Third party representations have been received who raised a number of concerns including drainage, highways, visual impact and precedent. These matters have been addressed by the Council and there is no reason to consider a different view.

Conclusion

15. 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

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR