



Appeal Decision

Site visit made on 4 February 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/Y2736/W/19/3241208

Moyola Lodge, 21A West Street, Swinton, Malton YO17 6SP

- 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 J Minford against the decision of Ryedale District Council.
 - The application Ref 19/00869/FUL, dated 19 July 2019, was refused by notice dated 10 October 2019.
 - The development proposed is described as "retention of existing double garage, office/guest accommodation and garden store and proposed use as an independent dwelling and provision of parking area."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is some dispute over whether various alterations previously carried out to the appeal building are lawful. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Given the scheme includes external alterations to the building, I am satisfied that I can determine the appeal on the basis of the proposed plans.

Main Issues

3. These are:
 - Whether the appeal building would be a suitable site for new housing, having regards to the development strategy for the area;
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupants of neighbouring properties and the future occupants of the proposed development.

Reasons

The development strategy

4. Moyola Lodge is a large edge-of-village detached property, which sits behind the properties along West Street in the village of Swinton. The appeal scheme seeks to convert an existing outbuilding/garage (the appeal building) within the rear garden into a separate two-bedroom dwelling.

5. The Ryedale District Council Ryedale Plan-Local Plan Strategy 2013 (LP) sets out the strategy for the distribution of housing development during the plan period. Policy SP1 sets out a hierarchy of settlements and seeks to focus new housing within the Principal Towns, Market Towns and Service Villages. Swinton is one of the identified Service Villages, and in Policy SP2 the conversion of buildings within the Development Limits is identified as a suitable source of new small scale housing. Outside Development Limits (Wider Open Countryside) Policy SP2 restricts conversion to only redundant or disused traditional rural buildings, and where it would lead to an enhancement of the setting and for Local Needs Occupancy.
6. It appears to be common ground that whilst the majority of Moyola Lodge itself lies within the Development Limits of Swinton, its rear garden and the appeal building are outside the Development Limits.
7. I have carefully considered the appellant's arguments on why the proposal should nevertheless not be regarded as falling within the wider open countryside. In particular, I appreciate that the established garden has a different character and appearance to the surrounding countryside. I also acknowledge that the appeal site is not in an isolated location. However, Policies SP1 and SP2, along with the use of Development Limits, are formally adopted as part of the development plan for the area. There is nothing before me to suggest that they are out of date, or inconsistent with the Framework and therefore it is a valid approach to directing development, including conversions, to suitable locations in order to meet local housing objectives.
8. It is clear from the evidence that the appeal building is outside the Development Limits of Swinton as set out in the LP, so it is in the countryside in policy terms. Accordingly, the proposal does not represent small scale residential development in a Service Centre. Nor could the relatively modern appeal building be regarded as a redundant or disused traditional rural building, as required by Policy SP2. The proposal therefore runs contrary to the development strategy for the area set out in the development plan.
9. It has been put to me that the personal circumstances in this case would satisfy the Local Needs Occupancy requirement, which is set out further in Policy SP21. However, this restriction would only apply in this case if the building was a redundant or disused traditional rural building, so I do not need to explore the occupancy any further. I have also had regard to the benefits of adding to the supply and choice of housing in the area, as well as to the social and economic benefits that may arise from the development. However, given the healthy housing land supply identified by the Council and the small scale of the development, these matters do not outweigh the conflict with the LP development strategy.
10. I therefore conclude, on this issue, that the appeal building would not be a suitable site for new housing having regard to the development strategy for the area. Thus, it would be contrary to LP Policies SP1 and SP2.

Character and appearance

11. The appeal building sits within a spacious garden setting on the edge of the village with surroundings of a quiet rural character. It is currently accessed through the garden of Moyola Lodge from a gravelled track leading off from the shared access to West Street.

12. LP Policy SP20 requires new development to respect the character and context of the immediate locality and wider landscape; and to ensure that proposed uses and activity will be compatible with the existing ambience of the immediate locality.
13. The proposed development would have its own garden, parking and access arrangements. The appellant suggests that the access track to the south, which is also a public footpath, is long-established and regularly used. This is not entirely supported by the plans before me and my own observations at the site. Irrespective, there is no substantive evidence to support the appellant's claims that the level of use of the track is, or could be, as intensive as that which would be associated with the daily comings and goings of vehicular traffic for the proposed development. The use of the track for the proposed development would, in any event, be over and above any continued or future access to the paddock and would be harmful to the quiet and rural character of the area.
14. In addition, and whilst not identified by the Council in their reasons for refusal, in my judgement the new 1.8m high timber fencing panels to the north and east of the appeal building would erode the spacious and rural setting. Given the fencing is intended to protect the living conditions of the future occupants I do not consider that conditions would overcome this harm. Furthermore, the parking area would not be closely related to the dwelling, and together with the associated additional turning area and the likely alterations that would be required to the boundary treatment, would be prominent from the adjacent public footpath and visually intrusive.
15. I therefore conclude, on this issue, that the proposal would cause a significant level of harm to the character and appearance of the area. Thus, it would be contrary to LP Policy SP20, in so far as it relates to the matters above.

Living conditions

16. LP Policy SP20 also seeks to protect the living conditions of present or future occupants, and the users or occupants of neighbouring land and buildings.
17. The Council is concerned that the intensified use of the shared section of the vehicular access would cause excessive noise and disturbance to the existing residential properties that abut it. I have found that the proposal would result in increased vehicular traffic using the access. This would, in turn, be likely to result in increased noise from passing vehicles, particularly on the gravel-surfaced section of the track. However, due to the small scale of the development, the noise arising from the associated level of vehicular movements would not be harmful to the living conditions of the occupants of neighbouring residential properties.
18. The Council is also concerned that the parking arrangements for Moyola Lodge would lead to noise and disturbance for future occupants of the proposed development, given that it would take place in close proximity to the lounge windows in the east elevation of the appeal building. However, the appellant indicates that the windows would be fixed shut and I am satisfied that the internal accommodation would receive adequate light and ventilation to enable that to be secured. This would be sufficient to ensure that the living conditions of the future occupants would not be harmed in this respect.

19. I therefore conclude, on this issue, that the proposal would not be harmful to the living conditions of the occupants of neighbouring properties and future occupants of the proposed development. Thus, it would not in this regard, be contrary to LP Policy SP20. The Council also refers to conflict with LP Policy SP2, but it is not relevant to living conditions. The lack of harm in this regard is a neutral matter, which does not alter or outweigh my findings on the other main issues.

Conclusion

20. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR