
Appeal Decision

Site visit made on 11 February 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/G2713/W/19/3241940
OS Field 9687, Great Ayton TS6 9QG

- 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 Shaun Carroll against the decision of Hambleton District Council.
 - The application Ref 19/01078/FUL, dated 14 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is the erection of a soil bund.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development from the appeal form in the banner heading above, as that used on the planning application form included wording which was not descriptive of the proposed development.
3. The Council's decision notice and officer report described the application as retrospective. While an earth mound has indeed been erected on the site, from what I saw at the time of my site visit it did not appear to be as described in the application. I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are:
 - Whether the principle of development is supported by the development plan; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Principle of development

5. The appeal site is a narrow strip at the edge of a field adjacent to the B1292 road. The proposal is for a soil bund around 2m high and 120m long, to be built up to the field's existing fence and hedgerow boundary along the outside of a bend in the B1292.

6. The appeal site is situated in open countryside outside the nearest settlement of Great Ayton. Policies CP4 of the 2007 Hambleton Core Strategy (the HCS) and DP9 of the 2008 Hambleton Development Policies Document (the HDPD) indicate that development proposals outside settlements will only be permitted in certain circumstances. These include where a development is necessary to meet the needs of tourism, or where it would support the rural economy.
7. The field which the appeal site bounds was not included within the 'red line' boundary of the planning application. The appellant intends to use the field as a small Camping and Caravan Club certificated site and it has been licensed as such in the past, although from the information before me the site is not currently certificated. The bund is intended to provide protection from cars leaving the B1292 and crashing into the field, which the appellant indicates happened five times in the two years to April 2019. However, there are no official records of vehicle crashes at this location which suggests that any such incidents could only have been minor. In any case, there are other measures which could be employed such as improved signage, and which would be aimed at preventing accidents rather than simply mitigating the effects of any vehicles leaving the road.
8. I accept that there could be a modest benefit to the local rural economy from tourism associated with a small caravan site. However, from the evidence before me I am not persuaded that a soil bund of the type proposed is necessary to support such a use. On this basis I conclude that the principle of development is not supported by the development plan. The proposed development would conflict with HCS Policy CP4 and HDPD Policy DP9, as it does not demonstrate the 'exceptional circumstances' which these policies set out for development outside settlements.

Character and appearance

9. The area around the appeal site is predominantly flat, and nearby field boundaries are generally formed either of hedgerows, open fencing, or a combination of the two. These factors give the area an open and spacious feel, allowing a variety of views across the surrounding countryside. As I saw on my site visit, the openness of the views is increased in winter when many of the hedgerows are without leaves.
10. In this context, a 2m high soil bund would be an alien and intrusive feature, and the close and distant views across fields which are characteristic of the local landscape would be reduced. Although the appellant proposes that the bund should be planted with grass seed, this would do nothing to reduce the detrimental impact a 120m long earth mound would have on the openness which is such an intrinsic feature of the local environment. Consequently, I consider that the bund would be harmful to the character and appearance of the area.
11. I therefore conclude that the development would conflict with HDPD Policies CP16, DP30 and DP32. Together these policies seek to preserve and enhance the area's natural assets and the open character and appearance of the countryside, and to ensure that development proposals are well designed and respect the landscape.

Other Matter

12. The appellant raised in his statement a number of concerns about how the Council dealt with the planning application. These are unrelated to the planning merits of the proposal, and have had no bearing on my determination of the appeal.

Conclusion

13. For the reasons given above the appeal is dismissed.

M Cryan

Inspector