
Appeal Decision

Site visit made on 20 August 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/E2734/W/19/3230931

Land North of 5 Stevenson View, Church Lane, Rainton YO7 3PE

- 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 Messrs Webster against the decision of Harrogate Borough Council.
 - The application Ref 19/00156/OUT, dated 9 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is for the erection of up to 3 no. dwellings with access considered.
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Decision

1. I dismiss this appeal.

Preliminary Matter

2. The Harrogate District Local Plan was subject to a Public Examination in January 2019 with public consultation on modifications taking place between 26 July and 20 September 2019. The plan introduced a village envelope around Rainton and the proposed site was excluded from development. The Inspector's final report on that plan has been delivered to the Council with a finding that the plan is sound and meets the requirement of s.20(5) Planning and Compulsory Purchase Act 2004.

Procedural Matter

3. The planning application is in outline with all matters except access reserved for later determination.

Main Issues

4. The main issues are the effect of the development on:
 - The landscape setting of the village; and
 - The access to the site, with particular regard to highway safety.

Reasons

The Landscape Setting of the Village

5. The site comprises a broadly rectangular, flat, open area of land on the northern edge of the village of Rainton in north Yorkshire. Immediately to the south of the site is a row of 5 small, attractive, family houses (No 1-5 Stevenson View). The row is punctuated between No 3 and No 4 by an opening

to an area for car parking to the rear. Beyond the car park – and bounding the appeal site – is an L-shaped area within the curtilage of the adjacent farm with planning permission under 17/04482/OUT for construction of 3 dwellings. To the west of the site across Church Lane is the edge of a large garden. There is open agricultural land to the north and to the east.

6. The development proposal subject to this appeal is the construction of up to 3 two-storey dwellings with garden areas to the front and rear, and the realignment of a farm service track such that it would arc around the inside edge of the site before continuing to the near-by farm. The three new dwellings would be of a similar size and appearance to No 1-5 Stevenson View and would be aligned to form a continuation of the row. Communal car parking for the new housing would be provided to the rear of the properties.
7. The village is designated under policy SG2 of the Harrogate District Local Development Framework Core Strategy 2009 (CS) as a 'Group C settlement'. This policy seeks to allow limited in-fill development with expansion beyond the built-up area, other than 'rounding-off', being prohibited unless the site is to be used for the construction of low-cost housing or other special categories. The policy does not define boundaries for any of the settlements within Group C.
8. I take 'rounding-off' to mean a development that would fill a gap between existing built-up areas around the edge of the settlement to help 'smooth-out' the boundary between the village and the surrounding countryside. A development that produces an extension into the open countryside would be contrary to policy.
9. When arriving at the appeal site from the centre of the village one gets a strong impression of being at the outer edge of the settlement. Immediately beyond No 1-5 Stevenson View the road pinches in before turning sharply to the west where it becomes a narrow country lane. Notwithstanding the wild hedging around the northern part of the site there are distant views through the gaps of the Yorkshire Wolds to the north-east. This sense of the appeal site being beyond the outer limit of the village will not change even if an extant planning permission for 3 houses (17/04482/OUT) is implemented since they will be closer to the village centre.
10. The appellants make reference to various paragraphs of the National Planning Policy Framework 2019 (the Framework) which post-dates the adoption of the Council's core strategy. These paragraphs seek to encourage councils to provide appropriate levels of housing in sustainable locations. I agree that the appeal site is in a sustainable location, being but a very short walk from the centre of the village. Further, the introduction of more housing in rural locations can help to provide the level of demand to sustain the continued provision of local services. Nevertheless, I find nothing in the Framework which would suggest that the Council's policy of seeking to prevent development beyond the confines of the settlement is no longer relevant and inapplicable.
11. The Council contends that the site land is agricultural. Whilst it appears to me that it has become overgrown and redundant, with some piles of building rubble evident, I believe that it could be returned to productive agricultural use if desired.
12. On the basis of the above I conclude that the erection of three dwellings on the appeal site would not round-off the existing built-up area but would instead

create a ribbon of urban development, albeit a relatively short one, extending into the open countryside. It would thus fail to conform to policies SG2, SG3 and SG4 of the CS which, respectively, identifies Rainton as being appropriate for only limited development, seeks to conserve the surrounding countryside and ensures that the design of new development is appropriate to the form and character of the settlement.

13. It would also fail to comply with Saved Policy C2 of the Harrogate District Local Plan 2001 (LP) which seeks to ensure that new development does not harm the character of the surrounding landscape. Finally, it would fail to comply with advice set out in Paragraph 127 of the Framework which also seeks to ensure that development does not harm the character of the surrounding area.

The Local Highway Network

14. I note that the site access arrangement involves the realigned farm track and the appeal housing driveway converging on the outside of a tight corner on Church Lane close to another junction with Back Lane. Although there is already an access point to the farm at this location the addition of the three new houses would intensify its use. I understand that Church Lane once provided a back route to the A1 but that has now been blocked. As a result, and consistent with the impression formed by me during the site visit, Church Lane is now very quiet.
15. The implementation of the extant planning permission for 3 houses referred to earlier will not materially change this situation. I note that Back Lane contains some new houses and I have no doubt that vehicles from the appellants' farm and neighbouring farms will also use the road but again, from what I saw during the site visit, it seems very quiet.
16. On the basis of the above I conclude that the proposal is consistent with Saved Policy HD20 K) of the LP which seeks to ensure that the design and layout of new development promotes a safe environment. It also accords with SG4 of the CS as regards highway safety as there are no pre-existing problems of access or road safety at the entrance to the appeal site. It accords with Policy TRA1 which seeks to reduce the need to travel and requires developments likely to have an impact on the road network to have a Transport Assessment. Finally, it accords with the advice set out in Paragraph 109 of the Framework that only development that is likely to have an unacceptable impact on highway safety should be refused.

Planning Balance and Conclusion

17. I have found that the proposal is consistent with the development plan as regards highway safety. However, I find that the conflict with the development plan as regards the landscape setting of the settlement would outweigh this highway compliance. Thus, having had regard to all of the documents and submissions put to me, I refuse this appeal.

William Walton

INSPECTOR

