



Appeal Decision

Site visit made on 11 February 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/N2739/W/19/3234162

Land off Friars Meadow, Friars Meadow, Selby YO8 3ND

- 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 Donaldina Ryan against the decision of Selby District Council.
 - The application Ref 2019/0147/OUT, dated 15 February 2019, was refused by notice dated 6 June 2019.
 - The development proposed is described as "Outline planning proposal for up to two self build plots - all matters reserved."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. The submitted drawings show indicative plot layouts, and I have treated them as such in my decision.
3. The site address has been described variously by both the Council and the appellant. For clarity, the address in the header above matches that used on the Council's decision notice and the appellants Appeal Statement.

Main Issues

4. The main issues are whether the site is a suitable location for the development having regard to i) flood risk, ii) the development strategy for the area, and iii) the effect of the proposal on the character and appearance of the area.

Reasons

Flood risk

5. The site lies within Flood Zone 3a. The appellant has demonstrated, and the Council agrees that there are no sequentially preferable sites, and as such, the proposal is subject to the Exception Test. I agree with this assessment and position. In accordance with paragraph 160 of the National Planning Policy Framework (the Framework), the Flood Risk Assessment accompanying the appeal seeks to demonstrate that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk.
6. I acknowledge that the delivery of up to two dwellings could have social and economic benefits in the construction and occupation of those dwellings, as well as increase the range and choice within the housing market and go some way towards meeting a defined need for self-build housing. I also acknowledge

that the application site lies adjacent to the defined settlement boundary of Selby, which the Selby District Core Strategy Local Plan, Adoption Version 22 October 2013 (the CSLP) defines as the most sustainable town and the focus for growth in the district.

7. However, to my mind, these benefits are limited by the scale of the proposal, the location of the site in the open countryside and the distance from the town centre. I also consider that the benefits identified by the appellant would be essentially private and largely limited to the appellant and any future occupiers of the appeal proposal. Again, the scale of the proposal reinforces the limited range of such benefits.
8. In considering this issue, I acknowledge the location of existing dwellings adjacent to the site, and the third-party comments which suggest that the appeal proposal is no different with regard to flood risk. However, the Exception Test is clear in its terms.
9. I do not therefore consider that the limited sustainability benefits to the community which might arise from up to two dwellings are sufficient to outweigh the flood risk that exists on the site. As the proposal fails the Exception Test, the appeal site is not therefore a suitable location for the proposed development having regard to flood risk and the guidance in the Planning Practice Guidance (the PPG) and the Framework. The Framework therefore provides a clear reason for refusing the development proposed.

The development strategy for the area

10. The appeal site lies next to and slightly behind a relatively modern residential development, which also provides the access to the site and a number of other dwellings close to it. There are a number of mature trees within the site, and a timber fence defining the adjacent field boundary. An access track runs through the site, leading from Friars Meadow to the dwellings behind. The site lies outside the defined settlement boundary of Selby.
11. The CSLP is clear that Selby is the most sustainable settlement in the district, and as a result, is the main focus for future growth. As a counterpoint to that focus, Policy SP2A(c) of the CSLP defines principles for future development, and limits development in the countryside, that is land outside settlement boundaries to types within a set of defined criteria.
12. The appellant and the Council agree that the site lies beyond the defined settlement boundary and that the Council has a demonstrable 5-year housing land supply.
13. Although the site does lie immediately adjacent to existing built development, and to the defined settlement boundary, I consider that the site does have the character and appearance of open countryside. To my mind, the existing dwellings and their boundary treatments form a logical, obvious and defensible settlement boundary. I do not agree that the existing vegetation and access track running through the site form a natural boundary beyond, and distinct from the policy boundary, which would lend the site and proposal the infill character suggested by the appellant. The lack of a substantial boundary between the site and the fields to the north reinforces this impression, and I consider that the appeal site would be in the open countryside both in terms of the application of policy and in light of its character and appearance. On its

face, the proposal does not therefore meet any of the exceptions listed in Policy SP2A(c) of the CSLP.

14. The appellant has also directed my attention to a number of appeals which they seek to use to support their case that a minor, or relatively modest protrusion of built development into defined open countryside is not necessarily harmful or unacceptable. The first of these¹ did conclude that in that particular case, a relatively modest protrusion would not be harmful, given that the development would be seen against the context of other houses. I also note however that in that appeal, there was an extant permission for a dwelling on substantially the same plot, but within the settlement boundary. The second appeal cited² also related to development outside, but adjacent to development limits. However, in that appeal, other development had been permitted nearby, which had the same effect as the appeal proposal. I do not therefore consider that either of these appeals are so similar in terms of their context or character to the proposal before me, that I should reach the same conclusion on this issue.
15. As the proposal is for self-build units, for which a need exists in the area, the appellant suggests that meeting this need and the benefits that would accrue are material considerations of such weight to warrant approval of the appeal. Whilst there is policy support for self-build housing, and I agree that windfall development can play an important part in the overall delivery of housing needs in the district, such development proposals must still comply with the requirements of the development plan. I have found above that they do not. I do not consider that the evidence from the appellant on the scale of self-build housing need, demand and supply in the district is sufficient to outweigh the conflict I have otherwise found with the development plan.
16. I note the additional appeals³ which the appellant has submitted to support their case that policy SP2 of the CSLP is out of date. However, the context and character to both is sufficiently distinct from that before me, that I do not consider they lend weight to the argument that Policy SP2 is out of date. I have also had regard to the guidance in PPG and the Framework, particularly the test in paragraph 213 of the Framework. I consider that Policy SP2 is consistent with the Framework and as such, I give it full weight in my consideration of this appeal.
17. I conclude therefore that the appeal site is not a suitable location for the development having regard to the development strategy for the area, and the proposal is therefore contrary to the Spatial Development Strategy, set out in Policy SP2A(c) of the CSLP. This seeks to direct development in line with a set of core principles, and limit development in the countryside outside development limits to specified types, which do not include that proposed in this appeal.

¹ Appeal reference 2183153

² Appeal reference 3146696

³ Appeal references 3213122 and 3228674

Character and appearance

18. I have identified above that the appeal site currently has an open, undeveloped, rural-edge character and appearance. A character and appearance which is not, in my view, diminished by the existing access track which runs through the site, or the boundary treatment and existing vegetation.
19. Notwithstanding that the appeal proposal is in outline, with all matters reserved, development of the site for up to two houses would significantly change the character and appearance of the site through the introduction of built development. I do acknowledge however that the proposal is not expected to have any detrimental impacts on the living conditions of the occupiers of surrounding properties.
20. I have also found above that the appeal site is not a suitable location for development, having regard to local and national policy, owing to its location in the open countryside. The logical extension of that conclusion is that the appeal proposal would have an urbanising effect on the site, notwithstanding the final detailed design of proposals which would come forwards at reserved matters stage.
21. I note the argument of the appellant that the location of the appeal site does not find protection in paragraph 170 of the Framework because it, and by extension, the landscape in which it sits has no statutory status or identified quality in the development plan. However, the site is identified in the development plan as open countryside, and it is for its effect on the open countryside that I have found the proposal unacceptable.
22. The proposal would therefore cause harm to the character and appearance of the area, contrary to the requirements of Policy SP19 of the CSLP and saved Policy ENV1(1) and (4) of the Selby District Local Plan, February 2005. These policies seek, amongst other things to ensure that development has regard to the local character and context of its surroundings, including settlement boundaries and the open countryside, and its effect on them.

Conclusion

23. I have found that the appeal site is not a suitable location for development, having regard to flood risk as well as the development strategy for the area. I have also found that the proposal would cause harm to the character and appearance of the area. As a result, the appeal proposal is contrary to the development plan. I have not found that there are material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan, so for the reasons given above, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR