



Appeal Decision

Site visit made on 24 February 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/G2713/W/19/3238062

The Cottage, Aldwark, Alne, York YO61 1UB

- 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 James Bladon against the decision of Hambleton District Council.
 - The application Ref 19/00774/FUL, dated 14 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as 'extensions and renovation to The Cottage and the construction of two attached cottages with access and parking'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address from the appeal form as this appears to be a more accurate reflection of the site's location.
3. The Council does not cite any development plan policies in its first reason for refusal. It does, however, list a number of relevant development plan policies within Section 3 of its Committee Report, and against which the proposal has been assessed. I have been provided with these policies and planning law¹ dictates that I must have regard to them in my consideration of this appeal. Equally, the appellant has had sight of the Committee Report and has had the opportunity to comment on these policies during the appeal proceedings.
4. The appellant makes reference to emerging policy S3 of the draft Hambleton Local Plan, suggesting that this would support the proposal. However, I have not been provided with the full text of this emerging policy and note that the Hambleton Local Plan is yet to be subject to formal examination. As such, I am unable to draw any firm conclusions against this emerging policy and have instead based my findings on the current development plan for the area.

Main Issues

5. The main issues are:
 - Whether the development would preserve or enhance the character and appearance of the Aldwark Conservation Area and its effect on the setting of 'The Cottage', a non-designated heritage asset; and,

¹ Section 36(6) of the Planning and Compulsory Purchase Act 2004

- Whether the site is a suitable location for residential development, having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

Conservation Area and setting of The Cottage

6. The appeal property is a humble two-storey detached house located within Aldwark Conservation Area (CA). The surrounding area is characterised by the linear form and layout of the village with the significance of the CA derived in part from its agricultural origins and relationship with the surrounding countryside. A number of former farmsteads and former farm workers' cottages are scattered throughout the village and make a positive contribution to the character of the area.
7. Historically the village had a more open and spacious character, but in recent times modern development has seen the gradual erosion of green fields and other large areas of open space between properties. Nevertheless, outside the clusters of former farmsteads, the settlement retains its strong linear form with buildings generally fronting the highway and being well-spaced with open green areas to the rear. This allows glimpsed views of the surrounding countryside and accentuates the village's intrinsic rural character.
8. The Cottage is a traditional farm workers' dwelling built of clampbrick with a red pantile roof covering and therefore exhibits positive and authentic features that are typical of historic properties found throughout this part of Yorkshire. It sits within generous grounds which are remnant of the village's historical layout and former more spacious character. As such, the property possesses a degree of local historic value and is appropriately identified as a non-designated heritage asset which, along with its setting, makes a positive contribution to the overall character and appearance of the CA.
9. The appeal proposal would introduce two semi-detached dwellings to the southwest of The Cottage, including a shared access drive leading to a substantial parking area and three detached garages/stores to the rear. The proposed introduction of residential built form to the front of the appeal site would respect the linear form of the settlement and provide an appropriate step down in scale from that of the larger properties to the southwest. This would have a neutral impact on the CA and would complement the setting of The Cottage, maintaining the character of the street scene.
10. However, the extensive access drive, parking area and detached garage buildings would result in a suburban form of development that would encroach into the spacious and verdant open area to the rear of the site. Being readily visible in public views from the highway, this would erode the rural character of the village and in doing so would harm the character and appearance of the CA.
11. I now turn to the setting of The Cottage. The introduction of such suburban features, and loss of openness to the rear of the site, and in such close proximity to the existing dwelling, would detract from the simple form and authentic character of The Cottage. As a consequence, the development would harmfully intrude into the setting of this non-designated heritage asset, diminishing its overall significance.

12. To mitigate any harm, the appellant has provided a draft Unilateral Undertaking (UU) that would prohibit the development of the land to the immediate east of The Cottage in order to maintain this as an open space. However, this would be of limited benefit and, in my view, would not outweigh the harm to the CA or the setting of The Cottage. Indeed, I am satisfied that should this area need to be protected from future development pressures, this could be adequately achieved through existing planning controls and therefore the draft UU is of limited weight.
13. In terms of the National Planning Policy Framework (the Framework), the harm to the CA would be 'less than substantial' as it would be limited to the site's immediate surroundings and specific views into and out of the CA. It is nevertheless incumbent upon me to give considerable importance and weight to such harm.
14. The Framework advises that this harm must be weighed against the public benefits of the proposal. The proposal offers improvements to The Cottage through the insertion of new and more appropriate windows and by extending the property to bring it back into use and meet minimum space standards. Economic and social benefits would stem from the construction and subsequent occupation of the two new homes, with future occupiers supporting local services. The benefits are tempered by the limited amount of development that is proposed but, nevertheless, carry moderate weight in favour of the appeal. However, I do not consider that these are sufficient to outweigh the harm to the CA. Nor would these benefits outweigh the harm I have identified to the non-designated heritage asset.
15. Taking the above points together, the proposal, as a whole, would harm the character and appearance of the open space to the rear of the appeal site, introducing a suburban form of development that is at odds with the rural character of the village. It would also undermine the visual and historic value of the site in terms of its contribution to the setting of The Cottage. Consequently, the proposal would neither preserve nor enhance the character or appearance of the CA and would be harmful to the setting of The Cottage, a non-designated heritage asset. The harm would not be outweighed by public benefits.
16. The proposal therefore conflicts with Policies DP10 and DP28 of the Hambleton Local Development Framework Development Policies 2008, which together require new development to respect the form and character of settlements and seeks to preserve or enhance heritage assets. It would also be at odds with the Council's Interim Policy Guidance, which amongst other things, requires that development must not have a detrimental impact on the natural, built and historic environment. Finally, in this regard, the proposal would also be contrary to the provisions of the Framework which attaches great weight to the conservation of heritage assets.

Suitability of the location

17. The development plan consists of the Hambleton Local Development Framework Core Strategy 2007 (CS) and the Hambleton Local Development Framework Development Policies 2008 (DP). This is supplemented by the Interim Policy Guidance (IPG) that was adopted by the Council in April 2015. This, the Council state, is intended to bridge the gap between Policy CP4 of the

- CS and DP9 of the DP and the policies of the Framework in relation to development within villages and provides an updated Settlement Hierarchy.
18. The IPG sets out the Council's approach to housing development beyond the main service centres, service villages and secondary villages. It introduces the concept of 'cluster villages' to reflect national planning policy in relation to rural housing. While the IPG predates the current Framework, I am content that its approach is consistent with paragraph 78 of the Framework which supports housing at locations where it will enhance or maintain the vitality of rural communities and recognises that development in one village may support services in a village nearby. Accordingly, I attached great weight to the provisions of the IPG as supplementary planning guidance.
 19. Aldwark is not listed as a settlement within the Hambleton Settlement Hierarchy accompanying Policy CP4 of the CS, but the IPG classifies it as an 'other settlement'. The IPG advises that development in 'other settlements' may be supported if it would form a 'cluster' with a nearby settlement. For settlements to form clusters they must have a good collective level of shared service provision and be linked to each other by convenient public transport, walking or cycling. The guidance goes on to state that the settlement is unlikely to constitute a sustainable community if there are few services or if there are significant distances (approximately 2km) or barriers between settlements.
 20. Aldward has a limited number of services and facilities which include a church, a children's play area, a public house and hotel with spa and golf facilities. A limited bus service is operated Monday to Friday during school term time and provides only one return journey to York each day. Furthermore, the larger settlements of Alne, Great Ouseburn and Linton-on-Ouse are located over 3km away along narrow unlit country lanes with no footpath and therefore this would not reflect the advice set out in the IPG in respect of access to services.
 21. Consequently, while future occupiers of the proposal may support the limited services on offer within the village, and while recognising the transport differences between urban and rural areas, future residents are likely to be highly reliant upon the private motor car to access day to day services and facilities. On this basis, I do not consider Aldwark to be a suitable location for new residential development in respect of access to services.
 22. I recognise that the appeal site is within an existing settlement and that school children would be able to access the local school via bus. However, these factors do not outweigh the reliance that future occupiers would have on the private motor car and the subsequent negative environmental effects which weigh significantly against the proposal.
 23. For the reasons set out above, I conclude that the appeal site would not be a suitable location for residential development, having regard to the development strategy for the area and accessibility to services and facilities. Therefore, the proposal would conflict with policies CP1, CP2 and CP4 of the CS, policies DP3 and DP4 of the DP and the associated provisions of the Framework which together, amongst other things, seek to focus development on sustainable locations with appropriate access via sustainable modes of transport in order to minimise the need to travel and help maintain the vitality of rural communities. In this regard, the proposal would also be contrary to the Council's IPG in respect of sustainable locations for small scale housing development in villages.

Other matters

24. In support of the appeal, the appellant has referred to a number of planning permissions for residential development issued by the Council elsewhere in Aldwark. In relation to the approval for three dwellings on land adjacent to The Cottages², I can see that this proposal was approved prior to the reduction in the local bus service and note that there was no harm identified to any heritage assets. As such, the circumstances in that case were materially different to the current appeal proposal.
25. In relation to the other developments cited by the appellant, I do not have the full details of these other cases before me and therefore cannot be certain that they represent a direct parallel to the appeal proposal. In any event, I have determined the appeal on its own individual merits and on the basis of the evidence put before me.
26. I acknowledge that the Planning Practice Guidance (PPG) advises that a thriving rural community in a living, working countryside depends, in part, on retaining local services. In this regard the appellant argues that Aldwark needs small scale development to meet local needs in order to sustain existing facilities. However, I have no evidence of local need before me nor any evidence to suggest that village services are under threat or would become so in the absence of the appeal scheme.
27. I note the frustrations expressed by the appellant in relation to the advice from the Council and the decision process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

28. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR

² Planning Application Ref. 15/00694/FUL