



Appeal Decision

Site visit made on 14 January 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2020

Appeal Ref: APP/G2713/W/19/3240377

Existing storage structures and land to the west of Number 46 (Rawcliffe) Cooper Lane, Potto DL6 3HA.

- 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 Anton Lang against the decision of Hambleton District Council.
 - The application Ref: 18/02419/FUL, dated 9 November 2018, was refused by notice dated 3rd May 2019.
 - The development proposed is described as 'Demolition of two smaller storage structures and reduction in height and conversion of existing large storage structure into one, single-storey, bungalow dwelling with integral garage and associated external alterations to provide new brick walls and tiled roof externally, new windows and doors, access driveway, gardens/curtilage behind 1 metre high boundary fence, and new tree planting line'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Hambleton District Council against Mr Anton Lang. This application is the subject of a separate Decision.

Main Issues

3. The main issue in this appeal is whether the appeal site is a suitable location for a new dwelling, having regard to the development plan and the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is an area of land located adjacent to the edge of the village of Potto. It contains a large building with the lower level constructed in concrete blockwork and the upper parts of the walls, and the roof, clad in profiled sheeting. The external appearance of the large building is similar to that of a modern agricultural barn although the application describes the current use as storage. There are also two smaller single storey buildings which it is proposed to demolish as part of the development. The appeal proposal would retain the footprint of the existing large building but remove the upper part to the level of the concrete block wall; reconfigure the blockwork walls to provide new window and door openings; overclad the blockwork with brickwork; and add a new

pitched, tiled, roof to create a single bungalow dwelling. Access to the site is via a stretch of unmetalled road leading from Cooper Lane and which also serves the dwelling at number 46.

5. Policy CP4 of the Hambleton Core Strategy 2007 (the Core Strategy) defines a settlement hierarchy for the District. Outside of the named settlements, of which Potto is not one, this policy restricts development to exceptional circumstances, that are set out in Core Strategy Policies CP1 and CP2, or for certain specific purposes, which do not include general market housing such as that proposed. It is not claimed that the exceptional circumstances in Policies CP1 or CP2 are met. Policy CP4 is permissive of proposals that would re-use existing buildings without substantial alteration or reconstruction, and which would help support a sustainable rural economy or meet a locally identified need for affordable housing. Whilst the proposal would re-use parts of the existing building, it is clear from the submitted drawings that the appeal proposal would result in a substantial alteration of the existing building, both in terms of its height and external appearance. The proposal would not, therefore, meet the key criterion of this exception. It is not argued that the proposed development meets any of the other exceptional circumstances or criteria set out in Policy CP4.
6. The Core Strategy predates the publication of the original National Planning Policy Framework (the Framework) in 2012. Following the publication of the original version of the Framework, the Council adopted the Interim Policy Guidance relating to Settlement Hierarchy and Housing Development in the Rural Areas (the IPG) to ensure consistent interpretation of the Framework alongside Policy CP4. This related to Paragraph 55 of the 2012 Framework, which addresses sustainable development in rural areas. This policy was carried forward with essentially similar wording into Paragraphs 78 and 79 of the revised version of the Framework, which was published in 2018 and subject to minor amendments, relating to matters that are not in dispute in this case, in February 2019. The IPG therefore remains generally consistent with the Framework and, in particular, Paragraph 78. Although it does not form part of the development plan, the IPG was subject to consultation prior to its adoption and, consequently, is a material consideration to which moderate weight can be given.
7. Paragraph 79 of the Framework sets out that the development of isolated homes in the countryside should be avoided. Whilst 'isolated' is not defined in the Framework, the courts have held¹ that in the context of what was then Paragraph 55 of the 2012 Framework, now Paragraph 79, it should be given its ordinary, objective, meaning of, 'far away from other places, buildings or people'. Given the relationship of the appeal site to the nearby bungalow at Number 46 Cooper Lane, and other dwellings on the main part of Copper Lane to the west, the appeal site could not be described as isolated for the purposes of Paragraph 79 of the Framework. Consequently, Paragraph 79 would not apply to this case.
8. The IPG sets out several criteria against which new, small scale, housing proposals will be assessed. The IPG is explicit that all the criteria must be met in order for development to be accepted. The IPG also sets out a new settlement hierarchy which identifies Potto as an 'other settlement'. Whilst

¹ Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)

'other settlements' are generally not considered to be sustainable when taken individually, the IPG recognises that in combination with other nearby settlements, they can form a 'cluster' that provides a good collective level of shared service provision.

9. Potto has limited facilities in the form of a church, a public house and a village hall. The Council accept that Potto, together the nearby settlements of Hutton Rudby and Swainby, can be considered to be part of a cluster for the purposes of the IPG. During the course of my site visit, I was able to visit these settlements and from what I saw, and the range of facilities that are available between the three settlements, I have no reason to disagree with this. In this respect, IPG Criterion 1, that development should be located where it will support local services including services in a village nearby, would be met.
10. The IPG allows for small scale development adjacent to the main built form of a settlement where this would result in incremental and organic growth. Criteria 2, 3 and 4 of the IPG address this by requiring that new development reflects the existing built form and character of the village, and not to have a detrimental impact on the natural, built and historic environment, or on the open character and appearance of the surrounding countryside.
11. The village has a generally linear form following the line of Cooper Lane, consisting of a close knit pattern of predominantly detached dwellings, many of which are single storey, set in plots running back perpendicular to the road. The village is set in a landscape comprised of small to medium sized agricultural fields with hedgerow boundaries, interspersed with some groups of trees and areas of woodland. A loose network of narrow roads connects farms and other buildings scattered through the wider landscape.
12. The IPG defines small scale development as being up to five dwellings and it is not in dispute that the proposed development is small scale. The proposal would result in the creation of a new bungalow dwelling, which is a very common building type in the village and, whilst the precise materials are not specified, brickwork and tiled roofs are also typical of the village. I am satisfied that suitable materials could be secured through the use of an appropriately worded planning condition. However, built form goes beyond the architecture of individual buildings, encompassing the wider layout of an area or settlement and the relationship of buildings to each other.
13. The appeal building is located to the west of number 46 Cooper Lane, a modern bungalow that sits some distance behind the main line of buildings fronting Cooper Lane. Due to this spatial separation, this dwelling does not share the same physical and visual relationship as the close knit properties on the main part of Cooper Lane and, as a result, does not appear well integrated with the village. The appeal site is physically and visually separated from this building by an intervening single storey stable block and paddock, and a tall conifer hedge. Consequently, the proposed bungalow would appear even further separated from, and unrelated to, the main built up part of the village and would not appear as an incremental or organic addition to the village.
14. The appeal site is located adjacent to the edge of the village with agricultural fields to three sides and the paddock area and stable building on the fourth, between the appeal site and the bungalow dwelling at 46 Cooper Lane. Although the appellant suggests that the existing structure has to be read as part of the built form of the village, and not the open countryside, it does not

automatically follow that because a site or building is not isolated in the sense used in the Braintree decision that it has an intimate physical and visual association with other buildings. From what I saw when I visited the site, due to the degree of separation from the main part of the village and the openness of the surrounding land, I would agree with the Inspector who determined a previous appeal relating to two dwellings on this site² that, in visual and functional terms, the site has a greater affinity with the countryside than with the settlement.

15. Whilst the proposal would not lead to coalescence of settlements, it would extend the built up area of the village into the surrounding countryside. The creation of a dwelling with its associated residential curtilage would have an urbanising effect on the site that would be harmful to the rural setting of the village. The appellant suggests that the proposed curtilage would be limited in extent, however, what is shown on the submitted drawings does not correspond with the red line boundary of the appeal site and appears to be an arbitrary position that leaves an area of land with an indeterminate function within the site boundary. No mechanism is proposed that would restrict the use of this additional area or prevent it being used in conjunction with the proposed dwelling. I have also had regard to the proposal to introduce new planting to screen the development from the west. This would only partially screen the view from the Public Right of Way footpath (PRoW) to the west and would do little to screen the proposed development from a second PRoW that runs a short distance to the south of the appeal site, linking the PRoW running south east from Butcher Lane with Cooper Lane to the east.
16. I accept that there is a building currently on the site and that the appeal proposal would result in a building that would be lower than the existing structure on the site which, in purely physical terms, would have less of a presence. Nonetheless, the existing building has an agricultural appearance and, consequently, sits comfortably within the setting on the edge of the countryside. In contrast, the appeal proposal would introduce a residential building, with its associated curtilage, that would be physically and visually separated from the existing linear form of the village, and inconsistent with both the current built form and its surroundings. This would cause harm to the character and appearance of the settlement and the surrounding countryside.
17. The appeal proposal would not, therefore, satisfy criteria 2, 3 and 4 of the IPG. It is not argued by the Council that there is insufficient capacity within the existing or planned infrastructure to accommodate the dwelling, nor has a conflict with any development plan policies apart from Core Strategy Policy CP4 been identified. Development proposals are required to meet all six criteria set out in the IPG and the appeal proposal does not do so. It therefore conflicts with the IPG and Core Strategy CP4.
18. Although it is argued that the site is previously developed land, there is insufficient evidence before me to determine whether the site falls within the definition of previously developed land set out in the Framework.
19. The Framework seeks to significantly boost the supply of housing. In addition, the Framework is supportive of development on suitable windfall sites within settlements and the contribution that they can make to housing supply. This notwithstanding, the Framework also requires that development should add to

² Appeal Reference: APP/G2713/W/18/3201473

the overall quality of an area. No evidence has been provided in respect of the Council's five year housing land supply or its performance against housing targets. A single new dwelling, whilst adding to the housing supply in quantitative terms, is not such a significant benefit of the proposal that it would overcome the harm that would be caused to the character and appearance of the area.

20. Whilst the Framework and the IPG recognise that development in one village may support services in a village nearby, there is no evidence before me that facilities within Hutton Rudby or Swainby are at risk of closure. A single new dwelling would result in some additional spending in the local economy, but the contribution would, at best, be very modest.
21. None of these matters, either individually or collectively, would outweigh the harm that I have found, or the conflict with the development plan and the IPG.
22. I therefore conclude that the appeal site is not a suitable location for a new dwelling, having regard to the development plan and the effect of the proposed development on the character and appearance of the area. It would not comply with the relevant requirements of Policy CP4 of the Core Strategy and the IPG.

Conclusion

23. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR