



Appeal Decision

Site visit made on 26 May 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Richard Clegg BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/H2733/W/20/3244311

Land adjacent to Cornerways, Ratten Row, Seamer, Scarborough YO12 4QB

- 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 Mr Alan Bird against the decision of Scarborough Borough Council.
 - The application Ref 19/01783/OL, dated 14 July 2019, was refused by notice dated 4 October 2019.
 - The development proposed is described on the application form as outline application for 2no. 4/5 bed houses.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This is an outline application with all matters reserved. I will proceed on the basis that any details shown on drawing number 18/17/01, labelled 'Proposed Layout', are for illustrative purposes only.

Main Issues

4. The main issues are 1) whether the site represents an appropriate location for housing, having regard to the relevant national and local planning policy for the delivery of housing; and 2) the effect of the proposal upon the character and appearance of the surrounding area.

Reasons for the Recommendation

Location

5. Within the Scarborough Borough Local Plan (2017) (the 'LP') Seamer is classed as a service village. Policies HC1 and HC2 of the LP set out the Borough's spatial housing strategy objectives. These Policies support appropriate housing development on allocated sites and within the designated development limits. The Policies Map shows that the appeal site is located outside the development limits of Seamer and therefore the site is regarded as countryside.

6. Policy ENV6, of the LP, is relevant for development within the countryside. It is common ground between both the appellant and the Council that the proposed development would conflict with this Policy. The appeal site is located close to the development limits but ultimately it is located outside these defined limits.
7. The appellant asserts that the premise of the above Policies is to direct residential development to sustainable locations and to protect the countryside from encroachment. The National Planning Policy Framework (the 'Framework'), at paragraph 78, seeks to promote sustainable development in rural areas and indicates housing should be located where it will enhance or maintain the vitality of rural communities. The appellant considers that the development would support existing local businesses and these in turn may provide employment for the home owners. The proposed dwellings may, to a small degree, support local services and facilities but there is no convincing evidence before me which shows that the proposal would maintain or enhance community vitality. The economic contribution of two dwellings would be extremely limited.
8. Framework paragraph 79 seeks to avoid isolated homes in the countryside unless certain circumstances apply. The appellant states that the proposed dwellings would not be isolated and that the appeal site is located within walking distance of services and facilities within Seamer. The proposed dwellings would be located adjacent to Cornerways. To the west are farm buildings and to the north is Arosa camping and caravan park.
9. On my site visit I walked from the appeal site to services and facilities along Main Street. I note that there is also a primary school to the eastern side of Seamer. Along Ratten Row there is a narrow footpath, and along Main Street is a wider footpath. These footpaths all had lighting. I consider that some future occupiers would walk from the site to the services and facilities within Seamer.
10. It is likely that future occupiers of the proposed dwellings would need to travel to Eastfield and other settlements to meet their day to day needs. The appellant has also drawn my attention to the fact that the Borough's largest business park is located approximately 3.8km away in Eastfield, and it would take approximately 13 minutes to cycle to the park. Whilst I agree that this is a short distance to cycle, approximately half of the journey would be on busy highways. Therefore, it is likely that future occupiers would be discouraged from cycling to the business park. I understand that there are local bus services available from Main Street, but I have not been provided with any information regarding the frequency of these services.
11. Given the nature of the busy highway, and based on the evidence submitted, it is probable that future occupiers would be largely dependent on the use of a private motor vehicle to access services and facilities. The proposed homes would not be deemed 'isolated' under the Framework due to the site's proximity to neighbouring development.
12. The appellant states that the development would 'round off' a significant area of established development outside the development limits. However, I have not been provided with any Policies which support such development and I do not consider the extent of built development to the north and west to be significant.
13. The appellant has argued that the proposal could be considered a windfall development but recognises that the LP does not include windfall sites within its housing allocations. I note that windfall sites can make an important contribution

to meeting housing requirements of an area. Nonetheless, the provision of two dwellings would not make a significant contribution and there is no evidence before me to suggest that the Council cannot demonstrate a deliverable 5-year supply of housing.

14. I have had regard to the conclusions of the previous Inspector and appeal decision¹ dated March 1992. The decision was allowed nearly thirty years ago, and it cannot be directly compared to this decision as it relates to one dwelling. The Inspector determined that the site was located on the fringe of the rural landscape area and that the new dwelling would contribute in a positive way to the visual character of the locality as the Gate House building detracted from the appearance of the area. The Inspector therefore considered that, in line with planning policy at the time, exceptional circumstances applied to warrant planning permission.
15. I note that planning permission has been renewed by the Council three times with the last time being in 2008. These renewals all took place after the Gate House was demolished. The renewed planning permissions all relate to outline permission for one dwelling rather than two, as proposed. Similarly, the Framework has been published since the latest approval and the adopted local planning policies drawn to my attention do not allow for exceptional circumstances to justify development affecting the countryside. Consequently, the previous schemes are not directly comparable with this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
16. Accordingly, the proposed development would not represent an appropriate location for housing, having regard to the relevant national and local planning policy for the delivery of housing. The proposal would be contrary to Policies HC1, HC2 and ENV6 of the LP. In line with paragraph 78 of the Framework, Policy HC2 identifies opportunities for villages to grow and thrive; the appeal site is not included within the list of allocated sites. Policies HC1, HC2 and ENV6 seek to support sustainable and accessible development. The other considerations advanced by the appellant do not clearly outweigh the conflict with these Policies.

Character and Appearance

17. The appeal site forms a parcel of land adjacent to Cornerways. Cornerways is a two-storey detached property with a large outbuilding to the rear of the dwelling. As set out above, the site itself previously contained a railway gate house which has since been demolished. I understand that the appellant has levelled the site, sowed it to grass and carried out tree and shrub planting. A dropped kerb has also been constructed.
18. The site is bounded by post and wire mesh fencing, trees and shrubs. The site has an open and spacious character and is visible from Ratten Row as a result of the relatively low-lying boundary treatment. In contrast to the fields to the east, the site is domestic in character because of the planting and well-maintained lawn.
19. Within the surrounding area there are a range of property types including bungalows, terraces and detached dwellings. The site is seen as physically separate to the dwellings within the development limits as fields provide a break

¹ T/APP/H2733/A/91/195149/P4

in the built development to the east of the site. This section of Ratten Row is not characterised by residential dwellings. The large farm buildings and Arosa camping and caravan park are the key components of this section of the highway. Such uses are not uncommon in the countryside. The park is well screened from the highway due to the dense, mature vegetation.

20. The aerial photograph, provided by the appellant, shows the former railway line. However, due to the boundary treatment of the surrounding area, it is not particularly noticeable when viewed from street level and therefore it is not a strong characteristic of the site's boundary.
21. Notwithstanding that the proposal is in outline, the introduction of two dwellings would undoubtedly change the character and appearance of the site through the introduction of built development. The erection of two dwellings would be out of character with its surroundings as it would result in a row of three dwellings which would diminish the character of this part of the countryside which is not characterised by dwellings. Thus, the scheme would be visually harmful to the character of this section of Ratten Row because it would erode the verdant, open and spacious character of the appeal site. The presence of two dwellings would be prominent and visually intrusive given the open nature of the surrounding area.
22. For these reasons, I find that the proposed development would have a significant adverse effect upon the character and appearance of the surrounding area. The proposal would consequently conflict with Policies ENV6 and ENV7 of the LP. These Policies seek to ensure that the character of the countryside is maintained.

Other Considerations

23. I note that the Council has supported the expansion and development of the Arosa camping and caravan park. I have not been provided with full details of the recently approved application². Nonetheless, Policy ENV6 supports rural businesses and the park is considerably more screened than the appeal site. This decision is therefore of limited relevance as it relates to a different form of development in the countryside.

Conclusion and Recommendation

24. For the reasons given above, having regard to the aims of the development plan and all relevant material considerations, I recommend that the appeal should be dismissed.

L M Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Richard Clegg

INSPECTOR

² 17/00522/FL