



Appeal Decision

Site visit made on 7 July 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2020

Appeal Ref: APP/N2739/W/20/3251626

Land north of Alsuno, Hazel Old Lane, Hensall, Goole DN14 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Peter Hill against the decision of Selby District Council.
 - The application Ref 2019/1155/PIP, dated 28 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is erection of detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance, the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.

Main Issue

3. The main issue is whether the appeal site would be suitably located having regard to the strategic development requirements of the Selby District Core Strategy Local Plan (2013) (CS) and national policy.

Reasons

4. Policy SP2 (Spatial Development Strategy) of the CS sets out a settlement hierarchy and directs the majority of new development to the towns and more sustainable villages. This approach is consistent with the sustainability aims of Policy SP1 (Presumption in Favour of Sustainable Development) of the CS and the National Planning Policy Framework (the Framework).
5. As a Secondary Village in the settlement hierarchy under Policy SP2, the nearest defined settlement at Hensall is only envisaged to absorb a limited amount of residential development inside its development limits. Hazel Old Lane is positioned well away from the development limit boundaries of Hensall and is therefore in the countryside for the purposes of decision making.
6. My attention has been drawn to a previous Inspector's conclusion that a neighbouring site was isolated¹. The evidence before me indicates that

¹ Appeal ref APP/N2739/W/17/3192492

particular site was not located to the Hazel Old Lane frontage. In contrast, the site forms a small gap to the road frontage between the existing dwelling at Alsuno and a new dwelling for which the footings were in place at the time of my visit. These neighbouring sites sit within a row of several dwellings with further dwellings also situated on the opposite side of Hazel Old Lane. Together, these dwellings form a distinct cluster of dwellings on Hazel Old Lane from the junction with Weeland Road. The dwelling would be closely aligned with other dwellings in the row and would be fronted by a lit public footpath.

7. On the basis of the site specific factors and having taken into account the Braintree BC v SSCLG judgement of 28th March 2018, the dwelling would sit within a small settlement and would not be isolated in terms of the meaning within the Framework.
8. Even though the site is not isolated, this does not mean it would meet the sustainability aims of the CS and the Framework. In principle, a new dwelling could be well designed and of a scale which would minimise its visual impact on the countryside bearing in mind its position in a small gap between other development. However, new buildings in the countryside which meet this requirement are only supported by Policy SP2, where they would contribute towards and improve the local economy and where they would enhance or maintain the vitality of rural communities, in accordance with Policy SP13 (Scale and Distribution of Economic Growth).
9. There are some limited services and facilities available in the area. However, many of these, including those within the defined settlement of Hensall, are not conveniently located in relation to the appeal site and are unlikely to encourage walking or cycling on more than an occasional basis. There is nothing before me to suggest there is more than a limited bus service in the locality and the rail service is located within the defined settlement of Hensall. Consequently, it is likely that there would be a reliance on the private motor vehicle to meet day to day needs.
10. Taking the above factors into account, I am not persuaded that the development would be sustainably located nor would a single dwelling in this location be likely to have a tangible effect on the local economy or vitality of the rural community. The development would therefore conflict with Policy SP2 as well as the sustainable transport objectives in the Framework which amongst other things state that development proposals should promote walking, cycling and public transport use and that the planning system should actively manage patterns of growth in order to meet these objectives.
11. I conclude that in principle the development would fail to accord with the sustainable development requirements of Policy SP2 of the CS and the Framework.

Other Considerations

12. My attention has been drawn to appeals at Kellington² and Ulleskelf³ and a planning application at Hemingbrough⁴. Whether or not those particular developments were in the countryside, their position relative to these Designated Service Villages was a material consideration. The appellant's

² Appeal ref APP/N2739/W/15/3136685

³ Appeal ref APP/N2739/W/17/3173108

⁴ LPA ref 2017/0235/FUL

suggestion that these villages have limited services and facilities does not alter the fact that the development plan is more supportive of new development at those locations. The balance of considerations was not therefore identical to the appeal site which is set well away from the development limits of a village lower in the settlement hierarchy in the CS. I am therefore not persuaded that developments elsewhere in the countryside justify a departure from a plan-led approach in this particular instance.

13. The appellant has referred to dwellings which have been approved within flood zones 2 and 3 within the defined settlement boundary of Hensall and suggests that the proposed development would be no less sustainable. I am not convinced that the material considerations for developments which consolidate development within the defined limits of a village are comparable to the appeal proposal and its location in the countryside.
14. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The evidence before me indicates that there are 52 individuals on the Council's self-build register many of whom are awaiting plots in village locations. The site is in the countryside rather than within a village. Furthermore, I acknowledge that the appellant has a personal desire to live next to their place of work and build on land they own. These factors do not convince me that building on the site would address unmet demand on the self-build register. The Planning Practice Guidance (PPG) also makes it clear that at PIP stage, it is not possible to impose conditions or to secure a planning obligation. Therefore, there is no guarantee that the dwelling would be self-build. This does diminish the weight that I am able to afford to the appellant's proposal that the dwelling would be a self-build project.
15. Notwithstanding the above, for the purposes of the appeal, I have assumed that the appellant would complete a planning obligation at the detailed technical consent stage. On the basis that such circumstances did exist, the provision of a single self-build unit is a matter to which I afford positive weight in the overall planning balance.

Planning Balance and Conclusion

16. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
17. A single dwelling would make a limited contribution towards the Council's housing requirements. However, in principle a new dwelling in this location would conflict with the sustainable development aims of the CS and the Framework. This is a matter which attracts significant weight and tips the balance firmly against the proposal.
18. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell INSPECTOR