



Appeal Decision

Site visit made on 14 July 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2020

Appeal Ref: APP/G2713/W/20/3251455

Riverside Nurseries, B1257, Stokesley TS9 5JQ

- 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 T McDonald against the decision of Hambleton District Council.
 - The application Ref 18/01571/FUL, dated 27 July 2018, was refused by notice dated 25 October 2019.
 - The development proposed is described as conversion of redundant stable block to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; i) whether the appeal site is an appropriate location for housing having regard to local and national planning policies and ii) whether the proposed development would be acceptable with regard to flood risk.

Reasons

Site and proposal

3. The appeal site falls within the open countryside and comprises a brick built stable block and large area of hardstanding with some landscaping. There is a detached bungalow to the north and two large storage buildings immediately adjoining the stable block to the north and west. The site falls within an area of open countryside where there are a range of different uses including Stokesley Business Park to the south, Stokesley Golf Range to the north and greenhouses to the west. The village of Stokesley is located approximately 1km north west of the site and the small settlement of Great Broughton is a similar distance to the south.
4. The proposal would see the conversion of an existing 'L' shaped stable block into a residential dwelling with minimal external alterations. The roof of the building would be increased in height and would accommodate four velux windows, but other than these alterations there would be little change to the external appearance of the building. Access to the dwelling would be via the existing vehicular access point which serves the adjacent bungalow.

Location of development

5. The main parties agree that the appeal site is situated in open countryside outside of the Development Limits defined in the Hambleton Core Strategy 2007 (CS).
6. The National Planning Policy Framework (the Framework) states at paragraph 79 that the development of isolated homes within the countryside should be avoided. In considering this matter, I have taken into account *Braintree District Council v Secretary of State for Communities and Local Government & Ors* (2017). In this judgment, it is stated that the word isolated should be given its ordinary objective meaning of *"far away from other places, buildings or people (Oxford Concise English Dictionary)"*. The proposed dwelling would be adjacent to some existing buildings including one residential property and its residents. The site is separated from the business park by a watercourse, and the dwelling would be some distance from any settlement, services, facilities or collection of other people and consequently I would concur with the Council that the proposal would result in an isolated home in the countryside.
7. The Framework provides a list of circumstances in which isolated dwellings can be supported. One of these is that the development should reuse redundant or disused buildings and enhance its immediate setting. I note the dispute between the parties regarding the status of the building. The Council submit that the building is capable of reuse as a stable and I do not disagree with this view. Nonetheless, the appellant submits that the appeal building is redundant, and the development would improve the setting by replacing large areas of hardstanding with garden and making planting enhancements. I acknowledge the Council's concern that this could be at odds with the prevailing rural character and appearance of the site.
8. I consider that the existing arrangement of hardstanding, agricultural style buildings and the simple stable building surrounded by perimeter tree coverage and hedgerow is characteristic of the rural location. A landscaping proposal that would result in a manicured, domestic style appearance and associated paraphernalia would lead to an intensification of the domesticated appearance of the site. This, combined with the increased height of the building would result in moderate harm to the rural character. Therefore, in this regard I find that the proposal would not enhance the immediate setting and would therefore not meet any of the circumstances set out within paragraph 79 of the Framework.
9. In a local planning policy context, Policies CP4 of the CS and DP9 of the Local Development Framework, Development Plan Document, Development Policies 2008 (LDFDP) lists a number of exceptional circumstances where development outside of settlements may be supported, the most relevant to this appeal is CP4(iv) which allows for development in the countryside *"where it would reuse existing buildings without substantial alteration or reconstruction and would help support a sustainable rural community or help to meet a locally identified need for affordable housing."*
10. Alongside Policies CP4 and DP9 the Council has published Interim Policy Guidance 2015 (IPG) which sets out the Council's approach to housing development outside of Development Limits and within villages which fall outside of the defined Settlement Hierarchy which accompanies Policy CP4 of the CS and DP9 of the LDFDP. The IPG clearly states that 'small scale

development will be supported in villages' and goes on to say that a consideration is whether small scale development is 'adjacent to the built form of a settlement'. It is very clear that the IPG relates to development in or adjacent to the built form of the settlement. The appeal site is neither within a settlement nor well related to the built form of a settlement. Consequently, I find conflict with the requirements of the IPG and whilst I accept that this document does not form part of the Development Plan I consider that it is an important material consideration which for its consistency with the Framework must attract substantial weight.

11. The appeal does not propose an element of affordable housing and therefore this element of CP4 is not relevant. The proposed roof alterations would amount to at least significant alteration. The principal issue relates to whether or not the proposal would deliver a sustainable form of development that would help support a sustainable rural community.
12. Paragraph 8 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental and that these dimensions give rise to the need for planning to perform economic, social and environmental roles.
13. The appeal site is in the open countryside and is not well related to the built form of any of the surrounding sustainable settlements as set out in the development plan. Nonetheless, I do not doubt that the occupiers of the dwelling would seek to use and support facilities and services in these nearby settlements and I accept that there would be some further economic benefits associated with the employment at construction stage, but this is an economic benefit that would be minor and short lived.
14. It is a relatively short distance from the nearest settlements, however, there is no footpath to Great Broughton and the footpath leading to Stokesley is on the opposite side of the B1257 and for the most part it is unlit. Pedestrians would also need to navigate a very large, multi-spurred roundabout. For these reasons I consider that it is very unlikely that the occupiers of the proposed dwelling would visit these identified sustainable rural settlements on foot or by bicycle. I have not been provided with any evidence to indicate that there are any bus services which operate from the site to the nearest settlements. Consequently, in this regard I do not consider that the proposal would meet the social objective of sustainable development which amongst other things promotes a safe built environment, with accessible services. Nor is there any real evidence that persuades me that occupiers would support the sustainable rural community. In this regard I find that the proposal fails to meet any of the exceptions listed in Policy CP4 of the CS or DP9 of the LDFDP. I conclude on this main issue that the appeal site is an inappropriate location for housing having regard to local and national planning policies.

Flood Risk

15. The appeal proposal constitutes a vulnerable use and the site lies within Flood Zone 3 and is consequently at a greater risk of flooding. Nonetheless, the appellant has made alterations to the proposal to ensure that bedrooms would be located at first floor level. As a consequence, I acknowledge that the Environment Agency (EA) withdrew a previous objection to the proposal on Flood Risk grounds.

16. The appellant submits that flood resistance and resilience measures would be provided and have provided an evacuation plan. I have not been presented with any evidence from the Council that would lead me to an alternative view. Therefore, in the absence of any objection from the EA or any evidence to the contrary of the mitigation strategy I find no conflict with the CS Policy DP43 which seeks to ensure that development has an acceptably low risk of being affected by flooding.

Planning Balance

17. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
18. The development plan for the area comprises the CS and LDFDP which predate the current Framework. However, the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework. Policies CP4 and DP9 are not fully consistent with the Framework, which allows for rural housing in a wider range of circumstances. These are policies which are most important for determining the application. Paragraph 11(d) of the Framework states that, where such policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
19. The provision of one dwelling would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be modest due to the quantum of development proposed and given that there is no shortage in terms of housing supply. In addition, there would be some limited benefits arising out of the proposal, most notably, during the construction phase and from the spend of future occupiers. The proposed improvement to the access through the creation of a visibility splay would also be of some benefit, but this is principally required in connection with the proposal. The proposal would have some social and economic benefits, but I give these limited weight.
20. In terms of harm, I have found that the development would lead to an isolated home in the open countryside and that it would not meet any of the exceptions as set out in either the development plan or the Framework. It would result in moderate harm to the rural character. Furthermore, it would be located in an unsuitable location without ready access to services and facilities and future occupiers would be heavily reliant upon the private motor car. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Such circumstances do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

21. For the reasons outlined above and taking into account all other matters raised I conclude the appeal should be dismissed.

J Hunter

INSPECTOR