



Appeal Decision

Site visit made on 17 November 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/G2713/W/20/3258578

Land at Catton Road, Topcliffe, Thirsk YO7 3PA

- 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 D Manning against the decision of Hambleton District Council.
 - The application Ref 20/00064/FUL, dated 7 January 2020, was refused by notice dated 10 March 2020.
 - The development proposed is described as construction of a detached, two storey, 3 bedroom dwelling with integral garage to include landscaping and means of enclosure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the proposed development would be suitably located having regard to the strategic development requirements of the adopted Hambleton Local Development Framework, Core Strategy 2006 (HCS) including its effect on the character and appearance of the area and Topcliffe Conservation Area and; ii) the effect of the proposal on highway safety.

Reasons

Location of development and Character and appearance

3. The appeal site falls outside of the Topcliffe development limits as designated on the HCS Development Policies & Allocations, Development Plan Document, Proposals Map 2010. It is positioned away from the central built up part of Topcliffe and just opposite the ribbon development which stretches along the A167 at the northern end of the village.
4. The proposal would not meet any of the development exceptions as listed in criteria i) to vi) of policy CP4 of the HCS nor would it satisfy the exceptional circumstances outlined in Policy DP9 of the Hambleton Local Development Framework Development Policies 2008 (HDP). Nevertheless, I note that in their decision-making, the Council has referred to Interim Policy Guidance (IPG) adopted in April 2015 relating to the Settlement Hierarchy and Housing Development in rural areas. The IPG is described as acting as a bridge between the above development plan policies and the updated policy position presented by the National Planning Policy Framework (the Framework). The IPG does not form part of the development plan, but it is an important material consideration which for its consistency with the Framework attracts substantial weight.

5. The IPG sets out the Council's approach to housing development outside of development limits and within the villages which fall outside of the defined settlement hierarchy. It provides some support for small scale housing development where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets ALL of the listed criteria.
6. The main parties do not dispute that the site is located outside of the development limits but would support local services including those within the adjacent settlement of Topcliffe and therefore the first criteria of the IPG is met. Furthermore, the proposal for one dwelling would satisfy the first part of criterion 2 which requires development to be small in scale.
7. The built form of Topcliffe is centred around the A167 which runs east to west through the central nucleus of the village and forms a loop in the centre close to the historic core of the village which includes the church, village hall and several small shops. The urban grain is relatively tight with semi-detached, detached and short terraces sitting close to the highway with, where available, relatively small gardens.
8. At the top of the central loop, Catton Lane leads off to the north west and a spur of the A167 leads north out of the village and towards Northallerton. At this point, the urban grain of the village changes to a ribbon form of development which apart from one property, lies mainly on the eastern side of the A167. There is a mixed character in terms of architectural style, scale and age and dwellings in this part of the village are generally larger detached houses set back from the road within large plots.
9. The boundaries of the Topcliffe Conservation Area (TCA) extend around the historic core of the village and westward to the banks of the River Swale. As such, the TCA has a diverse character which combines both dense and sparse built form of varying styles and ages with wild open countryside. All of these attributes contribute positively to the significance of the TCA which is derived predominantly from the form, scale, historic use and organic growth of the surrounding area.
10. The appeal site is located in the TCA between the A167 and Catton Lane on a relatively small site that consists of two parcels of land. The site lies at the foot of a very substantial highway retaining wall and is bisected by a public footpath which connects Catton Lane and the surrounding open countryside with the A167 to the East via a steep set of stone steps.
11. I note the appellant's submission that the site represents an infill form of development because it lies between Prospect House to the north and Swale Lodge to the south. However, when viewed on site rather than on plan it is evident that the appeal site is both visually and physically disconnected from the established built form of the locality. This is mainly due to the substantial level difference between the existing properties on the A167 and the site which is located at the foot of the retaining wall some 4-5 metres below.
12. The proposal would introduce a new structure that spatially, would neither relate to nor be visually connected to the existing built form of the village. It would sit at an oblique angle to the roads either side and would have very little outside space. Due to its position and the proposed layout of the site it would neither reflect the tight urban grain of the central nucleus of the village or the

more open ribbon development to the north. Therefore, it would fail to reflect the existing built form and character of the village and would not satisfy the second part of criterion 2 of the IPG.

13. Furthermore, the site is located immediately adjacent to a narrow, unmarked lane that does not have street lighting or a footpath. Aside from the odd outbuilding, there is a distinct lack of built form which contrasts with the more manicured, built up areas of the village. The introduction of substantial built form in this location would have a detrimental impact on the open rural character. In addition, other works and domestic paraphernalia such as driveways, manicured landscaping and garden furniture would further exacerbate the harm caused to a location that is otherwise rural in character.
14. In the context of the effect of the proposal on the character and appearance of the TCA, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of the CA. Policy DP28 of the HDP also seeks to preserve or enhance the character or appearance of the TCA.
15. I accept the appellant's submission that the design of the proposed dwelling would reflect traditional architectural proportions whilst introducing more modern finishes and design features that would be reflective of the 20th Century elements of the northern part of the village. However, the introduction of built form, in this location, where it is disconnected from the existing built form would jar with the very open and rural character of this part of the TCA. Therefore, it would fail to preserve or enhance the character or appearance of this part of the TCA resulting in harm to the significance of the asset.
16. Paragraph 196 of the National Planning Policy Framework (the Framework) such harm must be weighed against any identified public benefits. In this case, no specific public benefits have been put forward. However, it is recognised that a new dwelling would add to the supply and choice of housing in the area and bring economic benefits from its construction, but at a very small scale. These modest public benefits would not convincingly outweigh the harm that would be caused to the TCA, a matter to which I have attached great weight.
17. Consequently, I consider that the proposal would be at odds with the existing built form and character of the village and its development would have a detrimental impact on the open character and appearance of the surrounding countryside. It would therefore fail to meet the 2nd and 4th criterion of the IPG.
18. As I have found conflict with the IPG, the proposal would also fail to accord with the location requirements of policies CP4 of the HCS and Policy DP9 of the HDP. Furthermore, I have identified that the introduction of built form in the proposed location would cause harm to the character and appearance of the countryside setting and the TCA thus failing to accord with the conservation requirements of HDP Policy DP28 or the aims of HCS Policies CP16, CP17, CP30 and CP32. These policies require, amongst other things that new developments promote high quality design that preserves and enhances the district's natural and manmade assets whilst respecting and enhancing the local context, open countryside and significance of heritage assets.

Highway safety

19. The proposed dwelling would be cited at the foot of a very substantial highway retaining structure which runs alongside the western side of the A167. The wall is stone built and reaches around 5 metres in height at the central portion of the appeal site. In addition, there are projecting buttresses that protrude into the site close to the location of the proposed dwelling.
20. In some areas, the proposed dwelling would be positioned within 1 metre of the retaining structure and no evidence has been submitted to demonstrate the development would not compromise the integrity of the highway retaining wall or restrict its future maintenance. Based on the limited evidence before me I conclude it has not been adequately demonstrated that there would not be harm to highway safety as a result of the appeal proposal. The scheme therefore fails to comply with Policies CP2 of the HCS and DP4 of the HDP which seek to ensure that development proposals improve the general level of accessibility and ensure safe and easy access for all.

Conclusion

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

J Hunter

INSPECTOR