



Appeal Decision

Site visit made on 29 September 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/E2734/W/20/3256927

**Land comprising field at Tom Cat Lane, Bickerton, North Yorkshire
(Grid Ref Easting: 444965, Grid Ref Northing: 450526)**

- 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 Messrs Firby, Thornton & Scaife against the decision of Harrogate Borough Council.
 - The application Ref 18/02856/OUT, dated 1 June 2018, was refused by notice dated 12 February 2020.
 - The development proposed is for an outline application for the erection of five dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with matters related to access, layout and scale to be considered at this stage. Matters of appearance and landscaping are reserved for later consideration. I have noted the appellant's plan showing indicative streetscapes, however insofar as landscaping and appearance, I have dealt with this as indicative only of how the appeal site might be developed.
3. The Harrogate District Local Plan 2014 - 2035 (the Local Plan) was adopted in March 2020. Policies SG3 and SG4 of the Harrogate District Core Strategy 2009, and saved Policies C2 and HD20 of the Harrogate District Local Plan 2001: Saved Policy Version – Sept 2007, were therefore superseded. As the appeal scheme was refused planning permission before March 2020, the reasons for refusal referred to policies from the then emerging Local Plan. Nevertheless, the appeal was submitted after March 2020 and the main parties have both grappled with the implications of the Local Plan as part of their submissions, an opportunity which was also available to interested parties.

Main Issues

4. The main issues are;
 - whether the proposed development would be in an appropriate location for new housing; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site occupies land set to the rear of properties on both Tom Cat Lane to the east beyond a narrow parcel of open land, and Main Street to the North. Access from Tom Cat Lane would be taken from the southern boundary at a 90° bend in the road, with an agricultural complex also sharing the southern boundary to the site. Land to the west would be fields and open countryside. The site itself comprises an open paddock and accommodates trees and shrubs on the site, particularly along the boundaries.

Spatial policy considerations

6. There is no dispute between the parties that the appeal site sits beyond the development limits as set in the Local Plan and that despite Bickerton being a clearly established settlement, it is not identified as a settlement for new growth within the Settlement Hierarchy set out in Policy GS2 of the Local Plan. From a spatial perspective, the appeal site lies within the open countryside, where Policy GS3 of the Local Plan highlights that development outside development limits would only be supported where expressly permitted by other policies of the Local Plan, by a neighbourhood plan, or by national planning policy.
7. The appellant has not drawn my attention to any other policies within the Local Plan which direct that permission should be granted for this development contrary to the Council's spatial strategy, and there is no indication of a neighbourhood plan having been published for Bickerton. In assessing the suitability of the site, I have carefully considered the references which have been made to the National Planning Policy Framework (the Framework), and specifically paragraphs 68(c) and 78.
8. Paragraph 68(c) clearly sets out support for the development of small and medium sized 'windfall' or non-allocated sites and the great weight that should be applied to the benefits of such sites identified as being suitable within existing settlements for homes. However, whilst the wording of the paragraph does not explicitly require settlements to be defined, it is reasonable to expect that even if the appeal site is not allocated within the Council's spatial strategy, that the site would be in a location which would support the delivery of the Council's strategy for future sustainable growth. It is clear that the approach promoted by this strategy is reflective of the requirements of paragraph 78 of the Framework.
9. The development of the appeal site does not accord with the Council's growth strategy, and therefore national planning policy. Bickerton is not assessed as possessing the necessary services and facilities to support even small-scale infill development on non-allocated sites anticipated for smaller villages within the Settlement Hierarchy. There may well be no site-specific objections to the proposal from the various consultees and bodies, but these alone would not be sufficient to conclude that the site would be suitable in principle for residential development.
10. Paragraph 68(c) does not expressly permit development within the open countryside, but it merely addresses the in-principle contribution which small and medium sized non-allocated sites are capable of making to meet the local housing requirement. On this basis, the proposal does not explicitly accord with Policy GS3 of the Local Plan.

11. I have had regard to the appellant's submissions relating to the previous assessment of the appeal site as part of the *Call for Sites* undertaken to inform the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) from December 2017. However, even allowing for the generally positive site assessment indicated within the extract taken from the SHELAA, this exercise served to inform the evidence base leading towards the future adoption of the Local Plan. Quite evidently, it has been concluded by the Council's Local Plan Growth Strategy to 2035 that the settlement should be discounted, and by extension the site, as suitable for future development and it is not the role of this appeal to consider the merits of this outside the local plan process.
12. For these reasons, I conclude, on this issue, that the proposed development site would not be in an appropriate location for new housing. The proposed development would conflict with spatial policies GS2 and GS3 of the Local Plan as well as with paragraphs 68(c) and 78 of the Framework.

Character and appearance

13. The existing built form and character of Bickerton is recognised as being largely linear within the Bilton-in-Ainsty with Bickerton Village Design Statement (VDS), with a wide variety of design and appearance of dwellings punctuating the street scene a distinctive characteristic of the settlement. There is some limited evidence of a more nucleated pattern of development within Bickerton with the presence of several *cul-de-sacs*, albeit that the largely uniform design and appearance of Chapel Close and Pinfold Close does not contribute positively to local distinctiveness.
14. The final appearance of the development is a reserved matter, although the indicative plans do not propose a uniformity of scale with the inclusion of both two-storey dwellings and bungalows. Nevertheless, even allowing for variety in the design of the development, and that this may be the only realistic option for the form and layout of the development of the appeal site, the development of an additional *cul-de-sac* within the village would further erode the characteristic linear form of development.
15. From a visual perspective, the site is currently largely screened from land to the west by existing trees and boundary planting, with existing dwellings and curtilage to the north effectively achieving the same from this direction. There is also further planting on the boundary with the adjoining open land to the east. The indicative plans show the retention and provision of landscaping and planting along the east and west boundaries in particular, and whilst I recognise that landscaping is a reserved matter, I have no reason to conclude that the existing level of screening of the site from these directions could not be maintained.
16. The existing approach towards the appeal site from the B1224 to the south along Tom Cat Lane does exhibit a generally rural character with the presence of mature hedgerows and the existing historic and more modern agricultural buildings at Bickerton Grange merely serving to reinforce this visual perspective.
17. The site itself is partially screened on the boundary with existing planting, and the removal of at least part of the screening to facilitate the proposed access would visually open the site to views along Tom Cat Lane from the south. There

is an existing perception of development in the distance on the south side of Main Street beyond the open land of the appeal site, but the proposal would cause a loss of spatial openness provided by the current absence of development, with the introduction of a greater sense of in-depth residential development inevitably eroding the existing rural character of this approach to the village. In this respect, I am not satisfied from the illustrative and indicative plans that a landscape scheme could be suitably designed to provide sufficient mitigation of this adverse visual impact.

18. For these reasons, I conclude in respect of this issue that the proposed development would fail to safeguard the character and appearance of the area. In addition to the VDS, there would be conflict with Policy HP3 of the Local Plan, which seeks to ensure that development protects, enhances or reinforces those characteristics which contribute to the local distinctiveness of the district's rural and urban environments, through respect for the spatial qualities of the local area, including the scale, appearance and visual relationships, as well as responding positively to the built form and building grain of the context. Furthermore, the proposal would not accord with Chapter 12 and particularly paragraph 127 of the Framework, which seeks to ensure development is sympathetic to local character including the surrounding built environment and landscape setting.

Planning Balance and Conclusion

19. Although I do not have the benefit of the detailed evidence and circumstances relating to the appeal decision (*Ref: APP/E2734/W/18/3214772*) cited by the appellant for another site within Bickerton before me, the Inspector did not draw any conclusion on the sustainability of the location. In any event, substantial harm was considered to significantly and demonstrably outweigh the limited benefits of that scheme.
20. The appellant has also referred to a planning permission for residential development on two other sites within Bickerton in recent years; in outline in September 2018 for 21 dwellings and a village shop (*LPA Ref: 17/05390/OUTMAJ*); and, in November 2018 for the redevelopment of the former petrol filling station. However, as with the above appeal decision, both of these decisions were taken prior to the adoption of the Local Plan and spatial strategy in 2020, and at a time when the Council was assessing development in the context of paragraph 11 of the Framework. The redevelopment of the petrol filling station also amounted to the use of previously developed land. I am satisfied therefore that the circumstances are materially different to those of the current proposal.
21. The provision of five additional dwellings would make a limited positive contribution to the local housing market. I also consider that the proposed development would not be '*isolated*' in accordance with the dictionary definition of the term. The proposal would provide some very limited economic support for the services and facilities in nearby and neighbouring higher order settlements, as well as the village shop proposed as part of the development at Turnpike Lane, if completed. However, there is likely to be a reliance on the use of the private car to access the majority of services and facilities, a conclusion which is not disputed by the appellant. Although there cannot reasonably be an expectation of a similar level of public transport access in rural areas to that available in urban areas, Bickerton possesses even

comparatively a very limited offer linking to Wetherby and York, which is unlikely to provide a reasonable alternative to the private car.

22. I have also considered the appellant's contention that cycling and walking have the potential to replace short car journeys. However, whilst there is a path adjacent to the B1224 linking Bickerton and the limited services and facilities of Bilton-in-Ainsty, facilities and services in other settlements and destinations would be too far to realistically walk to and from. Furthermore, even if deemed to be within a reasonable distance for cycling, the journeys would in all probability rely at least in part on the use of busy country roads without dedicated cycleways or pavements, thus reducing their attractiveness for access by these means.
23. I also accept that the local economy would have the potential to have some limited benefit during the construction period, as well as through the provision of monies from the New Homes Bonus and the potential for employment support for established employment sites within the wider area.
24. Turning to the environmental strand of sustainability, in addition to the spatial harm, I have concluded that the proposed development would fail to safeguard the character and appearance of the area, and I attach further moderate weight to this harm.
25. Whilst I acknowledge the above limited benefits, for the reasons already set out above, I find that the proposed development would result in substantial spatial harm and would have a further moderate adverse impact on the character and appearance of the area. As a consequence, I have not found the development to be in accordance with the policies of the Local Plan or as a material consideration the Framework. I am satisfied that despite the benefits summarised, that these would be outweighed by the adverse impacts.
26. For the above reasons, the appeal should be dismissed.

Martin Seaton

INSPECTOR