



Appeal Decision

Site Visit made on 21 January 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/G2713/W/20/3259743

Mill Farm, Station Road, South Otterington DL7 9JA

- 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 & Mrs M Harland against the decision of Hambleton District Council.
 - The application Ref 20/01031/OUT, dated 22 May 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of three bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is in outline with all matters reserved for future consideration. Whilst I have noted the appellant's reference to the proposed dwellings as being bungalows, I have dealt with this reference and the submitted plans as only indicative of how the appeal site might potentially be developed.
3. The Government published its Housing Delivery Test (HDT) results on 19 January 2021. The HDT outcome for the Council area indicates that the delivery has been significantly above the requirement over the last three years (at 265%) which means no change to the housing position at this time.

Main Issue

4. The main issue is whether the proposed development would be in an appropriate location for new housing, having regards to the development strategy for the area, and the effect on the character and appearance of the area.

Reasons

5. The development plan comprises Hambleton's Local Development Framework Core Strategy 2007 (the CS) and the Local Development Framework Development Policies 2008 (the DP). The parties agree that the proposal lies outside the development limits of South Otterington and does not meet the exceptions criteria of Policy CP4 of the CS and Policy DP9 of the DP.
6. However, the Council has adopted Interim Planning Guidance 2015 (IPG) for considering residential development proposals in and around smaller settlements. The IPG is described as acting as a bridge between the aforementioned development plan policies and the updated policy position presented by the National Planning Policy Framework (the Framework).

7. There is some dispute over the weight to be given to the IPG. I note that in the Brafferton appeal¹ the Inspector gave the IPG limited weight on account of its lack of consistency with the Framework in respect of restricting the size of development outside of development boundaries. However, there is no dispute that the scheme before me falls within the IPG definition of small scale and therefore the size of the development is not a determinative matter in this case. At the heart of the IPG is the aim to support development where it contributes towards achieving sustainable development or enhancing the vitality of the local community. It also aims to protect the character of the countryside. This is consistent with the aims of the Framework. Thus, although the IPG does not have the statutory status of a development plan, I consider that it is an important material consideration, which can be given substantial weight in determining this appeal.
8. South Otterington is defined as a Secondary Village and is therefore classed as a 'sustainable settlement' in the IPG settlement hierarchy. Together with Newby Wiske it forms a cluster of villages with a small range of shared local services that the development would readily support, as per paragraph 78 of the Framework. Furthermore, whilst I have noted local objections, there is no substantive evidence that the development would place undue strain on the infrastructure of the village, including in respect of highway matters and drainage. Nor has the Council raised any fundamental concerns in respect of heritage, biodiversity and neighbour effects.
9. This notwithstanding, the IPG requires developments to reflect the existing built form and character of the village and to avoid having a detrimental impact on the open character and appearance of the surrounding countryside.
10. The appeal site is a part of a larger grazing field on the north side of Station Road. The appellant contends that it is viewed as part of the environs of the village on account of its visibility with other dwellings and the location of the speed limit signs. However, although it lies opposite a short run of dwellings on the south side of the road, the land on the north side of the road, including Corner House, is physically and visually distinct from the built up part of the village which lies predominantly to the south of Station Road along the A167 and to the west of the A167. As such, the appeal site is experienced strongly as an integral part of the attractive, open countryside around the village. Its undeveloped and open qualities make an important and pleasing contribution to the rural landscape and the countryside setting of South Otterington.
11. Although the indicatively shown planting may provide a degree of screening and some landscape value, it would not remove the effect of the development. The development would be notably deeper than the adjacent Corner House and visible from Station Road. Moreover, unlike the consolidated development to the south, the proposed development would be backed by open countryside. Furthermore, whilst a visual gap would remain to the farmstead that lies to the east, it would nevertheless erode the open, rural appearance of the site and curtail views from the road of the wider countryside. In effect, the proposal would perpetuate a small, but harmful spread of built development into the open countryside around the village, rather than a logical or natural extension to the village as has been suggested by the appellant.

¹ Appeal ref: APP/G2713/W/18/3198941

12. I do recognise that the site is not subject to any formal landscape designation, but nevertheless, for the reasons above, the resulting change in its appearance and character would detract from the rural character of the eastern approach to the village and diminish the intrinsic beauty of the countryside.
13. I have had regard to the Carlton Miniott appeal² and also a recent planning permission for 5 houses at the southern end of South Otterington³. However, it is evident that both those cases represented a natural continuation of the established built form, in contrast to this appeal scheme. Furthermore, I note that the Carlton Miniott site was in an area between two built up parts of the same village. Consequently, I do not find their circumstances to be directly comparable, and in any event, I have determined this appeal on its own merits.
14. I therefore conclude that the proposed development would be contrary to CS Policy CP4 and Policy DP9 of the DP, as well as the IPG. There is also conflict with CS Policy CP17 and Policies DP30 and DP32 of the DP. Together, these policies set out criteria to guide the distribution of development, address development outside of development limits, protect the character and appearance of the countryside, and general design including respect for local character and form of settlements.

Planning Balance

15. The proposal would deliver housing in a location accessible to a selection of local services and other facilities in the area. However, while all dwellings make an important contribution to housing supply, the contribution of 3 dwellings would be commensurately small and I am mindful of the Council's healthy housing supply position. There would also be limited social and economic benefits from construction, support for local services and expenditure from future occupiers.
16. Nevertheless, whilst acknowledging the above benefits, for the reasons set out above, the proposed development would not accord with the spatial policies of the development plan, and would have a significant adverse effect on the character and appearance of the area. The absence of harm in respect of other relevant environmental aspects are neutral considerations.
17. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the Framework's presumption in favour of sustainable development does not apply.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

² Appeal ref: APP/G2713/W/19/3239103

³ LPA ref: 20/02354/OUT