The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/G2713/W/20/3255131
Land West of Little Burn, Sutton Road, Huby, North Yorkshire YO61 1HD

- 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 P Mead of Northmead Developments against the decision of Hambleton District Council.
- The application Ref: 20/00690/OUT, dated 2 April 2020, was refused by notice dated 27th May 2020.
- The development proposed is described as: Residential development of 5 dwellings.

Decision

1. The appeal is dismissed.

Procedural matters

2. On the planning application form the address of the appeal site is given as 'Field to North of Sutton Road, Huby (East of Little Burn)'. From the submitted drawings and from the site visit, the appeal site lies to the west of the dwelling named Little Burn. The appeal form gives the site address as Sutton Road, Huby and a grid reference. For simplicity and clarity, I have used the address given by the Council on the decision notice as it clearly and accurately describes the location of the site.

3. The appeal proposal was submitted in outline with all matters reserved for future approval. A drawing showing 5 dwellings on the site accessed from an existing field access was submitted with the proposal. As matters relating to layout and access were reserved for future approval, I have treated this drawing as indicative only.

Main Issue

4. The main issue in this appeal is whether the appeal site is a suitable location for new residential development, having regard to the development plan and the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a field to the north of Sutton Road, presently in use as a horse paddock and containing a small, timber, stables building. A mixed species hedge forms the boundary between the site and the road. To the north and west are further fields. Just to the east of the appeal site is a row of

properties on Skates Lane. To the south of the appeal site, on the opposite side of the road is a single dwelling with another small group of dwellings further to the west.

6. The appeal site lies to the south east of the main part of the village of Huby and to the west of the neighbouring village of Sutton-on-the-Forest. Policy DP8 of the Hambleton Development Policies Development Plan Document 2008 (the DPDPD) sets out development limits for settlements in the District. It is common ground that the appeal site is located approximately 700 metres from the development limit for Huby and approximately 1 kilometre from Sutton-on-the-Forest. Policy DP9 of the DPDPD sets out that beyond development limits, permission will only be granted for new development in exceptional circumstances having regard to Policy CP4 of the Hambleton Core Strategy 2007 (the Core Strategy).

7. Policy CP4 of the Core Strategy defines a settlement hierarchy for the District. Outside of the named settlements, this policy restricts development to exceptional circumstances, that are set out in Core Strategy Policies CP1 and CP2, or for certain specific purposes, which do not include general market housing such as that proposed. It is not claimed that the exceptional circumstances in Policies CP1 or CP2 are met. Nor is it argued that the proposed development meets any of the exceptional circumstances or criteria set out in Policy CP4.

8. The Core Strategy predates the publication of the original National Planning Policy Framework (the Framework) in 2012. Following the publication of the original version of the Framework, the Council adopted its Interim Policy Guidance relating to Settlement Hierarchy and Housing Development in the Rural Areas (the IPG) to ensure consistent interpretation of the Framework alongside Policy CP4. This related to Paragraph 55 of the 2012 Framework, which addresses sustainable development in rural areas. This policy was carried forward with essentially similar wording into Paragraphs 78 and 79 of the revised version of the Framework, which was published in 2018 and subject to minor amendments, relating to matters that are not in dispute in this case, in February 2019. The IPG, therefore, remains generally consistent with the Framework. Although it does not form part of the development plan, the IPG was subject to consultation prior to its adoption and, consequently, is a material consideration to which moderate weight can be given.

9. The IPG allows for small scale development adjacent to the main built form of a settlement, where this would result in incremental and organic growth. Criteria 2, 3 and 4 of the IPG address this by requiring that new development reflects the existing built form and character of the settlement, and does not have a detrimental impact on the natural, built and historic environment, or on the open character and appearance of the surrounding countryside.

10. The IPG defines small scale development as being up to five dwellings and it is not in dispute that the proposed development is small scale. The principal area in dispute is the relationship of the appeal site to the built form of Huby. I saw when I visited the site that the settlement of Huby is a long, largely linear, settlement strung along Sand Lane, Main Street and Baston Lane, which exhibit a continuous sequence of frontages and which form a cohesive mass of buildings that are clearly spatially related to each other. Whilst I accept that there are dwellings and other buildings present on Bell Lane/Sutton Road,

primarily on the west and then the south side as the road turns to run towards Sutton-on-the-Forest, these are much more sporadic and do not exhibit the same visual and spatial relationship as those on Sand Lane, Main Street and Baston Lane. I observed that this area, primarily due to the presence of increased tree cover, hedgerow boundaries, larger gaps between dwellings and the presence of open fields had a much more open and rural character and appearance. Given this, whilst these buildings are associated with the village, I do not find that they could be considered to constitute, or be part of, its main built form.

11. The development limit for each settlement will, most logically, be determined by, and consequently define, the main built form of the settlement, whilst allowing for some growth dependant on its place in the settlement hierarchy. On this basis, at some 700 metres distant from the settlement limit, the appeal site cannot be said to be adjacent to the main built form of Huby and would not be a natural infill or extension to the existing settlement.

12. The appeal site is just to the west of a row of houses on Skates Lane and in visual terms, development on the site would be perceived as an extension to this group of buildings. Nonetheless, this group of houses is itself somewhat anomalous, being administratively part of the settlement of Sutton-on-the-Forest yet located at some considerable distance from it, and separated from this settlement by open countryside.

13. The IPG sets out that where proposals do not adjoin a settlement, wider consideration must be given to the special physical characteristics of the surrounding area and makes clear that development which results in ribbon development or has a poor relationship with the built form will not be acceptable.

14. To the east and north of Bell Lane/Sutton Road the area is predominantly open fields until it reaches the group of dwellings on Skates Lane. On the opposite side of Skates Lane are further open fields. The development of the appeal site would result in a further urbanisation of the area through the introduction of additional dwellings and domestic curtilages that would extend the already anomalous built development to the north of Skates Lane and add to the quantum of sporadic development between the main body of the two settlements, thus eroding the rural character of the area.

15. In this respect the appeal proposal would not meet the requirements of criteria 2, 3 and 4 of the IPG. Whilst it is not in dispute that the proposal would not conflict with criteria 1 and 5 of the IPG, in order to conform to it, a development must satisfy all the criteria. As such the proposal would conflict with Core Strategy Policy CP4, as amended by the IPG, and would also be inconsistent with the requirements of Core Strategy Policy CP16 and Policy DP30 of the DPDPD which, when taken together, seek to protect the character, appearance, and open character of the countryside.

16. The reason for refusal also refers to DPDPD Policies DP10 and DP32. Policy DP10 seeks to ensure that new development has regard to the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. Although the village of Huby has a countryside setting, there is no substantive evidence that would indicate that this has particular importance to its identity or character. Similarly, there is no evidence that the area is identified as a Green Wedge or has any specific

landscape designation in addition to simply being open countryside which would be subject to the requirements of Core Strategy Policy CP16 and DPDPD Policy DP30. Consequently, I find no conflict with Policy DP10.

17. Policy DP32 is a general, criteria based, policy relating to design and seeks to guide the detailed aspects of a development proposal in respect of its appearance and internal site layout. The appeal proposal was submitted in outline with matters relating to appearance, landscaping, layout, and scale reserved for future approval and, consequently, there are no detailed designs before me for consideration. Notwithstanding that I have found that additional built development in this location would be harmful to the character and appearance of the countryside, and conflicts with Policies CP16 and DP30, there is no evidence that would indicate that a detailed scheme could not be drawn up which would meet the various design criteria set out in Policy DP32. As none of the criteria in Policy DP32 relate to the effect on the countryside, this does not alter my conclusions in respect of Core Strategy Policy CP16 and DPDPD Policy DP30.

18. My attention has been drawn to an appeal decision at Carlton Miniott, elsewhere in the Council's administrative area. Whilst I do not have the full details of that case before me, I have noted from the documentation provided that the appeal site in question was directly adjacent to the settlement boundary and in a more open area between two parts of the same settlement. This is not the situation in the case before me, where the appeal site is located at some distance from the both the settlement boundary and the main part of the village. Although noting the Inspector's decision in that case, based on what I have read, the circumstances are not analogous to the present case and in this context, it does not lead me to a different conclusion.

19. The Framework seeks to significantly increase the supply of housing. The Council states that it can demonstrate a housing land supply of approximately 9 years, which is not challenged by the appellant. Whilst the Council accepts that there is a need for 2 and 3 bedroom dwellings across the district as a whole, there is no substantive evidence that would indicate that the appeal site is required to meet a shortfall of these size of dwellings in either Huby or Sutton-on- the-Forest. Whilst the provision of additional dwellings of this size weighs moderately in favour of the development, it is not sufficient to overcome the harm that would result to the character and appearance of the countryside, or the other conflict with the development plan and the IPG.

20. I therefore conclude that the appeal site appeal site is not a suitable location for residential development having regard to the development plan and would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Core Strategy Policies CP4 and CP16, Policies DP8, DP9, and DP30 of the DPDPD, or the IPG.

Other matters

21. I have noted that no objections have been raised on highways grounds and that an Ecological Impact Assessment has been submitted, which concludes that the site has limited ecological value and any potential harm can be suitably mitigated. The Council has not challenged these findings. Whilst the appeal proposal does not conflict with the development plan in respect of these matters, they do not, either individually or cumulatively, overcome the conflict with other policies.

22. It is not suggested that the policies in the development plan that are most important for determining the appeal are out of date, taking into account the IPG, or that the Council is not meeting its housing delivery targets. The appeal, therefore, must be determined based on the policies in the development plan.

Conclusion

23. I have found that the appeal site is not a suitable location for residential development and would cause harm to the character and appearance of the countryside. As such it would conflict with the of Core Strategy Policies CP4 and CP16, Policies DP8, DP9, and DP30 of the DPDPD, and the IPG. These are, in my view, important matters and as such the proposed development would not comply with the development plan when taken as a whole, notwithstanding that it does not conflict with certain other policies.

24. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR