



Appeal Decision

Site Visit made on 20 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2021

Appeal Ref: APP/G2713/W/21/3272988

OS Field 9400, Pit Ings Lane, Dalton, North Yorkshire

- 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 M McCalmont against the decision of Hambleton District Council.
 - The application Ref 20/02883/FUL, dated 10 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is the proposed development of four dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No address was provided on the application form. The address in the banner heading is the one used by the Council on its decision notice. This address is also shown on the appeal form and tallies with the submitted plans. I have proceeded on this basis.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. I have sought the views of the main parties as to the relevance of any changes. I have taken account of the revised Framework in my decision. Whilst some content has been added and the paragraph numbers changed, the substance of the Framework in regard to the main issues of the case has not.
4. The emerging Hambleton Local Plan (the emerging LP) was submitted to the Secretary of State for examination in March 2020. The Framework advises that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the Framework. The emerging LP has not yet been found sound or adopted. Consequently, whilst the emerging LP appears to be at a relatively advanced stage in its preparation, the emerging policies cannot be given full weight. I have had regard to the Council's statement on the weight that can be given to the emerging policies.

Main Issues

5. The main issues are:

- whether the proposed development would be in an appropriate location, with specific regard to the development strategy for the area and the character and appearance of the area;
- whether the proposed development would provide an appropriate housing mix for the area; and
- whether the proposed development should make a contribution towards the provision of affordable housing.

Reasons

Appropriate Location

6. The appeal site lies outside the Development Limits of Dalton. Policy CP4 of the CS¹ states that all development should normally be within the Development Limits of settlements. Policy DP9 of the DPD² states that permission will only be granted for development outside of Development Limits in exceptional circumstances. No such exceptional circumstances have been presented. The proposed development would therefore conflict with Policies CP4 and DP9.
7. In 2015, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. The IPG was introduced to bridge the gap between Policies CP4 and DP9 and paragraph 55 of the 2012 Framework. It adjusted the approach in Policy CP4 to give more to support the sustainability of rural communities and sets out the Council's approach to housing development outside of Development Limits.
8. Whilst paragraph 80 of the 2021 Framework supersedes paragraph 55, national planning policy in this respect remains largely unchanged. Therefore, although the IPG does not have the statutory status of a development plan, it is a material consideration that is broadly in accordance with the Framework. As such it can be given considerable weight. The IPG supports small scale housing development, normally up to five dwellings although each development should be considered on its own merits, in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the identified criteria.
9. Policy HG5 of the emerging LP has incorporated a number of elements from the IPG. On sites adjacent to the built form of Service, Secondary and Small Villages, proposals for minor scale housing development (defined as nine or fewer units), will be supported where they meet certain criteria which are broadly similar to those in the IPG.
10. The Council states that Dalton is defined as a Secondary Village, a category that is retained in the emerging LP. There appears to be no dispute between the parties that Dalton is considered a sustainable location for development in terms of criterion one of the IPG. The key issues therefore are whether the proposed development would represent appropriate incremental and organic growth, respect the existing built form and character and appearance of the

¹ Hambleton Local Development Framework Core Strategy 2007

² Hambleton Local Development Framework Development Plan Document Development Policies 2008

village in terms of being a natural infill or extension and maintain the open and rural character of the countryside.

11. The appeal site is a relatively flat open field. There is residential development immediately to the north. To the east on the other side of Pit Ings Lane is a small development of five houses that appear to have been recently completed. To the immediate south is a low relatively recently planted hedgerow with an open field and a substantial tree belt beyond. To the immediate west is a grass field. Lying further west are what the Council describes as former poultry sheds with planning permission for storage use.
12. The appeal site is recognisably part of the open countryside that lies beyond the "well-defined southern hedge line" referred to by the Inspector for the appeal scheme just to the north³. As such, the proposed development would visually extend built development into the open countryside. Views of the proposed development would be relatively localised although it would be clearly visible from the track to the east and would extend views of built development when viewed from the north. Despite the relatively localised views, the proposed development, in encroaching into the open countryside, would compromise the open and rural surroundings and would therefore significantly harm the character and appearance of the countryside.
13. I acknowledge that the appeal site would not extend further into the open countryside than the recently completed development to the east to a substantial extent and may, as the appellant states, represent a rounding off of the built form of the village in this location. However, the development to the east is screened in views from the north including from Pit Ings Lane and is very well contained by the high hedgerow on its southern boundary. The appeal site does not benefit from the same degree of containment as the schemes to the north and east. The stewardship hedgerow which would form the southern boundary may follow the same approximate line as the hedgerow to the east. However, this does not change the relationship of the appeal site to the surrounding countryside. Furthermore, whilst rounding off may provide a symmetry to a settlement edge, it will not be appropriate in all cases, such as where the development would visually extend development into the open countryside, which would be the case here.
14. Consequently, the proposed development would not represent appropriate incremental and organic growth, respect the existing built form and character and appearance of the village in terms of being a natural infill or extension or maintain the open and rural character of the countryside. It would therefore conflict with the requirements of the IPG. Although only limited weight is given to Policy HG5 of the emerging LP, the proposed development would also fail to satisfy the criteria in this policy, summarised above, relating to the acceptability of housing development adjacent to the built form of a defined village.
15. Given the significant harm that would be caused to the character and appearance of the area, the proposed development would also conflict with Policies CP1, CP16 and CP17 of the CS and Policies DP10, DP30 and DP32 of the DPD, which, in summary, seek to protect, respect and enhance local character and distinctiveness, the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements

³ Appeal reference APP/G2713/W/19/3238540

and the openness, intrinsic character and quality of the District's landscape including the character of the countryside. The proposed development would also conflict with paragraph 174 of the Framework which requires decisions to recognise the intrinsic character and beauty of the countryside, amongst other matters.

16. Although I do not attach full weight to the emerging LP policies, the proposed development would also conflict with Policies S1 and S5 which, in summary seek to ensure that the character and appearance of the area, including the distinctive landscape character, form and setting of settlements, is not harmed.

Housing Mix

17. The proposed dwelling size and internal layout is the same as the scheme immediately to the north which was allowed on appeal⁴. I am mindful of the position taken by the Inspector for this appeal who concluded that the proposed dwellings would not provide an unsatisfactory housing mix for the area in terms of size and flexibility. I note the Council's submission on the sales particulars for this scheme, which advertises the houses as five bedrooms. No other new evidence has been submitted regarding housing mix.
18. My decision has to be based on what has been applied for and the information before me. The application form states that the proposed dwellings would be three bedroom properties and this is what is shown on the submitted floor plans. On this basis, I find that the proposed development would not provide an unsatisfactory housing mix for the area, as it would meet the housing requirements identified in the Size, Type and Tenure of New Homes Supplementary Planning Document 2015 and the Council's Strategic Housing Market Assessment 2016 which set higher targets for two and three bedroom properties. It would therefore accord with the housing mix objectives of Policy CP8 of the CS and Policy DP13 of the DPD.
19. Policy HG2 of the emerging LP also seeks to ensure the provision of an appropriate mix of dwellings in terms of size, type and tenure. Although limited weight is attached to this policy, for the same reasons as stated above, the proposed development would accord with its requirements.

Affordable Housing

20. The Affordable Housing SPD⁵ states that a planning application for development which forms part of a more substantial proposed development, on the same or adjoining land, will be treated as an application for the whole development. This also applies if the development is proposed in phases, with later phases having to fulfil affordable housing requirements from previous phases, if this has not already been adequately provided for.
21. I note the appellant's statement that the proposed development would be serviced by a separate access road. However, when taking into account that the proposed dwellings would be of the same design, materials and internal layout as those on the adjacent land to the north and their close proximity, the proposed development clearly forms part of the same overall scheme. Furthermore, on the evidence before me, the appellant is clearly linked to the two developments to the north.

⁴ Appeal reference APP/G2713/W/19/3238540

⁵ Hambleton District Council Affordable Housing Supplementary Planning Document 2015

22. I acknowledge that applying the requirements of Policy CP9 and the Affordable Housing SPD to the appeal site as a stand-alone development would not result in an affordable housing requirement. However, for the reasons given, it is appropriate to apply them to the proposed development in conjunction with the previous two developments to the north. Consequently, the affordable housing contribution of the appeal scheme should be considered having regard to the combined effects of this and the developments to the north.
23. On this basis, with a combined total of 13 dwellings, a contribution towards affordable housing is required in accordance with Policy CP9 of the CS, Policy DP2 of the DPD and the Affordable Housing SPD. The Council identifies that the appeal site lies within the Thirsk hinterland where Policy CP9 of the CS seeks to achieve a 40% proportion of affordable units for proposals that exceed the threshold of 10 dwellings. No planning obligation to secure any contributions towards affordable housing has been submitted and no viability evidence has been presented to justify non-provision.
24. Accordingly, the proposed development would not make the required contribution towards the provision of affordable housing. It would therefore conflict with Policy CP9 of the CS, Policy DP2 of the DPD and the Affordable Housing SPD, the requirements of which have been set out above. It would also conflict with Policy DP15 of the DPD which sets out the requirements where provision is made for affordable housing. The proposed development would also conflict with Policies CP1, CP4 and CP8 of the CS which, amongst other matters, support proposals that reduce social inequalities and disadvantage within the community and provide affordable housing which meets a local need which cannot be met in a settlement as an exceptional case and requires proposals to take account of local housing needs.
25. I note that Policy HG3 of the emerging LP seeks the provision of 30% affordable housing. This would apply to schemes of five units or more, including development that forms part of a wider development, for those parts of the District defined as a designated rural area, which is the case with the appeal site. Although only limited weight is given to this policy, it would still require the proposed development to contribute to affordable housing provision. This policy does not therefore alter my position on the need for an affordable housing contribution. As such, the proposed development would also conflict with Policies HG3 and S1 of the emerging LP which seek such provision.

Other Matters

26. The Council has referred to emerging LP Policy S1g in its statement of case as one that the proposed development is in conflict with although has not explicitly set out why. Policy S1g supports developments that take available opportunities to mitigate and adapt to climate change and make prudent and efficient use of natural resources. Although the proposed development would be located outside of the Development Limit of Dalton, due to its close proximity to the village, one could legitimately argue that the need for future occupiers to travel day to day would be limited. Whilst there may not be conflict with Policy S1g, this would not reduce the harms I have found, nor avoid conflict with the other policies I have cited.
27. The absence of harm to heritage assets is a neutral factor. Whilst giving some limited weight to the financial benefits identified by the appellant and the fact that a landscaping condition could be used to secure biodiversity net gain,

these factors are not sufficient to outweigh the conflict with the development plan in this instance.

Conclusion

28. The appeal site would not be an appropriate location for new housing as it would conflict with the development strategy for the area and would cause significant harm to the character and appearance of the area. Furthermore, it has not been satisfactorily demonstrated that the proposed development is not required to make an appropriate contribution to affordable housing provision.
29. I have found that the proposed development would provide an appropriate housing mix for the area. This is a neutral factor and does not outweigh the harm that I have identified.
30. The proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR