



Appeal Decision

Site Visit made on 13 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/H2733/W/21/3271382

North Side Filey Road, Cayton, Scarborough, North Yorkshire YO11 3NP

- 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 Mrs Debbie Smith against the decision of Scarborough Borough Council.
 - The application Ref 20/01620/FL, dated 2 August 2020, was refused by notice dated 22 October 2020.
 - The development proposed is a new detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to comment on this and I have taken account of their comments and 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 issue of the case has not.
3. The appeal has been submitted under the name of Mrs Debbie Smith who is formerly Mrs Deborah Tansey, the name on the application form.

Main Issue

4. The main issue is whether the appeal site would be an acceptable location for housing having regard to the effect on the character and appearance of the area and the accessibility to services and facilities.

Reasons

5. The appeal site lies to the west of Cayton Bay. To the north west lies a single storey bungalow and a two-storey detached property. Agricultural fields lie to the north, east and south east. The wider area is a coastal landscape characterised by open fields and small scattered clusters of built development and more isolated buildings. There are several caravan parks within the area.
6. The appeal site is located outside of the defined Development Limits of any settlement as defined in the Local Plan¹. It is therefore classed as open countryside. Policy ENV6 of the Local Plan seeks to protect, maintain and where possible enhance the character of the open countryside. To this end, it limits

¹ Scarborough Borough Local Plan, adopted 2017

new development outside the defined Development Limits to those for which a countryside location is essential and includes a number of circumstances when this would apply. No evidence has been submitted to demonstrate that the proposed development would satisfy any of the circumstances identified in Policy ENV6.

7. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless one of the five listed circumstances apply. In this context, the word "isolated" would be taken to mean a dwelling that is physically separate or remote from a settlement. The Framework does not define what constitutes a settlement for these purposes, nor does it specify a minimum number of dwellings or population for a settlement.
8. Whilst the surrounding area is not free from development, the two nearby dwellings and nearby caravan parks on the opposite side of the road do not in my judgement constitute a settlement. The appeal site would therefore represent an isolated home in the countryside. None of the five listed circumstances for such development in the open countryside would apply to the proposed development.
9. I note that the appellant has reduced the size of the proposed dwelling from the previous scheme of one and a half storey to a single storey property. However, the proposed development would retain a sizeable footprint and would extend built development into the open countryside. The surfaced car parking area, presence of cars within the site, the patio area and footpath, the laying out of the garden and its boundary enclosures and the general domestic activities associated with a dwelling would further exacerbate the urbanising effect. This would be markedly at odds with the open rural character of the appeal site and the landscape character of the surrounding area. The appeal site lies in a prominent location and the proposed development would be very visible in the wider area including from parts of the Cleveland Way, the nearby access points to Cayton Bay and stretches of the A165.
10. The appellant states that there is a mini supermarket and petrol filling station five minutes away and a main supermarket 15 minutes away. The Council's appeal addendum states that these times relate to journeys by car. It is likely that future occupants of the proposed bungalow would have to travel to access the type of facilities and services needed on a daily basis. The appellant states that there are public transport services operating past the appeal site every 15 minutes, although no further information is presented about where such services go to or over which period they operate. Although the appellant states that local schools, doctors and dentists have confirmed that they would accept occupiers of the proposed bungalow on their registers, this does not address the proximity or accessibility of such services.
11. Based on the information before me, I conclude that future occupiers of the proposed development would be heavily reliant on a car to access day to day services. Whilst recognising that opportunities for sustainable transport solutions varies between rural and urban areas the proposed development would not support the locational aims of the Local Plan or the Framework to avoid unsustainable patterns of development.
12. For the reasons given, the proposed development would not be an acceptable location for housing due to the effect on the character and appearance of the area and the lack of accessibility to services and facilities.

13. Consequently, the proposed development would conflict with Policies SD1, HC1, HC2 and ENV6 of the Local Plan. These policies seek to ensure that, amongst other matters sustainable patterns of development are delivered, new development including houses are located within the defined Development Limits of existing settlements, development in the open countryside is limited to those for which a countryside location is essential and that development that improves the economic, social and environmental conditions in the area will be sought wherever possible. The proposed development would also conflict with Policies ENV7 and DEC1 of the Local Plan which seek to protect and where possible enhance the distinctive or special features that contribute to landscape character and require proposals to safeguard or enhance important views and vistas.
14. The proposed development would conflict with paragraph 174 of the Framework as it would not protect the intrinsic character of the open countryside. It would also conflict with paragraph 80 of the Framework as it would not satisfy the exceptional circumstances identified for isolated homes in the countryside, nor would it support the wider aims of promoting sustainable development in rural areas given the harm that would be caused to the character and appearance of the area and its accessibility in relation to services and facilities.
15. The Council referred to paragraph 130 of the 2019 Framework in the third refusal reason on its decision notice. This paragraph stated that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. This paragraph has been removed from the revised Framework, although paragraph 134 states that development that is not well designed should be refused. As set out above, I have found that the proposed development would significantly harm the character and appearance of the area and would therefore conflict with the design objectives of the Framework.
16. The Council has referred to section 5 of the Framework in refusal reason number one on its decision notice but has not been more specific. The proposed development would contribute to the supply of housing with associated economic and social benefits, although the benefits of one dwelling would be limited and I note the Council's statement that there is a five years supply of housing, which the appellant has not disputed. As set out above, I have concluded that the proposed development would conflict with paragraph 80 within section 5 of the Framework and its locational objectives for housing.

Other Matters

17. My attention has been drawn to examples of other development that has been granted permission in the open countryside and near to the Cleveland Way. Based on the information before me, I am satisfied that the policy context for the housing examples referred to is different to that for the proposed development. Furthermore, a number of the examples relate to caravans or caravan parks, which have a different planning policy context to housing developments. Therefore, I cannot draw any direct comparison with the proposed development that would weigh in its favour. Accordingly, I give these examples very limited weight.
18. The appellant states that the appeal site was previously occupied by a dwelling and has provided copies of bills dating from the 1960s, a number of which

include reference to a "Cliff Bungalow Cayton Bay" to support this claim. Whilst these bills may have related to a dwelling at the appeal site, there has clearly been no residential use at this location for some considerable time given the extent of vegetation covering the site and its open countryside appearance.

19. The appellant states that the appeal site represents previously developed land as utilities remain in place and there is a small building still on site. I do not agree that the appeal site would be classed as previously developed land because the Framework defines that in its Glossary as excluding land "that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape" – which is the case here. I therefore give this matter very limited weight.
20. The appellant states that the appearance of the appeal site is increasingly despoiled and derelict, and the proposed development would therefore satisfy criterion f of paragraph 174 of the Framework. Whilst the appeal site has an overgrown appearance I would not class it as despoiled or derelict. As such, I give this matter very limited weight.
21. I note the appellant's concerns regarding the Council's handling of the case. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

22. The proposed development would conflict with the development plan taken as a whole, as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR