



Appeal Decision

Site Visit made on 2 September 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/G2713/W/21/3274112

Land to the West of Scruton Lodge, Scruton, Northallerton DL7 0RG

- 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 David Ward against the decision of Hambleton District Council.
 - The application Ref 21/00075/OUT, dated 22 November 2020, was refused by notice dated 3 March 2021.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline with all matters reserved, save for access. The appeal has been determined on this basis.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issue

4. The main issue is whether the proposed development would provide a suitable location for housing having regard to the promotion of sustainable travel, and the effect on the character and appearance of the area.

Reasons

5. The appeal site is located to the western edge of the village of Scruton. It is broadly rectangular shaped, surrounded by open agricultural land on two sides with the remaining sides being adjacent to Fleetham Lane and the side of Scruton Lodge, which is a detached residential property.
6. Despite some apparent disagreement between the main parties in relation to the specific use of the land, from my site visit, the land has the unmistakable appearance of forming part of the open countryside, despite it being fenced off from a larger field which surrounds it on two sides.
7. For the most part, the village of Scruton is primarily a linear settlement where the majority of properties hold tight to the main road leading through the village, this comprising Hamhall Lane to its junction with Fleetham Lane, then

continuing along Fleetham Lane in an eastward direction. It is clear in the physical make-up and in the appearance of the area that the land beyond the side boundary of Scruton Lodge, that includes the appeal site, is not within the confines of the village and thus outside its development limit.

8. Policy C4 of the Hambleton Local Development Framework (Core Strategy) (2007) outlines the circumstances in which development in locations outside the settlement hierarchy will be allowed. The policy outlines that development will only be supported when an exceptional case can be made for the proposal in terms of Policies CP1 and CP2, and a number of other criteria. The proposed development would not form one of the exceptions listed in Policy CP4.
9. In addition to meeting one of the criteria as set out in Policy CP4, an exceptional case is also required to be made in terms of Policies CP1 and CP2. Policy CP2 outlines that development should be located as to minimise the need to travel and include measures that reduce the need to travel by private car, for example access via footways and public transport. There is no public footpath leading to the site, nor is one proposed, and from my observations on my site visit, access to the site by means other than private car appears to be extremely limited.
10. Despite being adjacent to the boundary of an existing residential property, the appeal site clearly lies outside the settlement boundary and its development limit. The proposed development would add an additional property to the westernmost extremity of the village, increasing its incursion into the open countryside and removing part of what is a significant area which clearly delineates the separation of the built form of the settlement from the open countryside beyond. The proposed development would create an entirely new boundary to this part of the village and harm its open character, leading to the urbanisation of the countryside. This is despite the presence of a relatively high wall on the boundary that fronts onto Fleetham Lane.
11. The Council have referred to the effect of the development on the public right of way that crosses the site. I agree with the appellant that its presence as an entity on the ground need not necessarily prevent development. However, be that as it may, although the impact of the development on the enjoyment of the public right of way is a lesser factor in isolation, the impact does cumulatively contribute to the overall harm I have identified to the character and appearance of the area as a whole.
12. I therefore conclude that the proposed development would not be in a suitable location for housing, with particular regard to the promotion of sustainable travel. It would be out of keeping with, and harmful to, the character of the wider area, failing to respect the open character of the countryside. It would be contrary to Policies CP1, CP2 and CP4 of the Hambleton Local Development Framework Core Strategy (2007) and Policy DP9 and DP30 of the Hambleton Local Development Framework Development Policies Document (2008). These policies, amongst other things, seek to protect and enhance the quality of local landscapes and the wider countryside; and prioritise development of previously developed land in preference to greenfield sites. These policies also set out the types of development which may be permitted outside settlement boundaries or development limits.
13. The proposed development would also be contrary to the Council's adopted Interim Policy Guidance (2015) (IPG) which sets out the approach to housing

development proposed outside development limits. The IPG requires, amongst other things, that development should have no detrimental impact on the open character and appearance of the surrounding countryside. Whilst the IPG does not have the same status as the development plan, the guidance is consistent with the Framework and can be given significant weight. In considering the character of the settlement, the IPG outlines that consideration should be given to the built form of a settlement.

Other Matters

14. I have been referred by the appellant to two planning consents granted by the Council¹ and have been provided with the relevant decision notices and location plans. Although there are some similarities with the appeal proposal, there are notable differences in the characteristics of each site and settlement. From the evidence, both sites appear to be more confined and connected to the settlement to which they relate than the appeal proposal. Both sites appear to be opposite, including in one site adjacent to, existing residential properties. Although, as I have acknowledged, the proposed development would be adjacent to an existing residential property, it would be outside the defined settlement boundary and would cause harm to the open, rural character of the area. Either way, I have, in any event, determined the appeal on its own individual planning merits.
15. I acknowledge that representations were made in support of the proposed development. Matters pertaining to the location of the development and the effect on the character and appearance of the area are considered above. There is no evidence that the proposed development would contribute to alleviating a localised flooding problem.
16. The appellant has referred to the conduct of the Council during the application process. Although their frustrations are adequately set out, they do not however, alter the planning merits of the proposed development or provide a reason to allow the appeal.

Planning Balance and Conclusion

17. The Government's objective as set out in the Framework is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.
18. However, I am not persuaded that an exceptional case has been made, as is required. The location of the proposed development outside a settlement would undermine the Council's plan-led approach in seeking that development should be sustainably located as to minimise the need to travel and include measures that reduce the need to travel by private car. When combined with the harm I have identified would be caused to the character and appearance of the area, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.
19. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

¹ Planning Application References 15/01543/OUT and 20/01040/OUT

20. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR