
Appeal Decision

Site visit made on 5 January 2022

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/G2713/W/21/3284541

**Land west of A167, Northallerton Road, Sandhutton YO7 4RS
438155, 482210**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Mr J Wilkinson against Hambleton District Council.
- The application Ref 21/01762/OUT, is dated 1 July 2021.
- The development proposed is described as 'Application for Outline Planning Permission with some matters reserved (considering access) for a development of 5 No. dwellings.'

Decision

1. The appeal is allowed and planning permission is granted for Outline Planning Permission with some matters reserved (considering access) for a development of 5 No. dwellings. at Land west of A167, Northallerton Road, Sandhutton YO7 4RS in accordance with the terms of the application, Ref 21/01762/OUT, dated 1 July 2021, subject to the attached schedule of conditions.

Preliminary Matters

2. The emerging Hambleton Local Plan (emerging HLP) was submitted to the Secretary of State for examination in March 2020. Paragraph 48 of the National Planning Policy Framework (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. Therefore, whilst the emerging HLP appears to be at a relatively advanced stage, it has not been found sound and is not adopted. Consequently, its policies cannot be given full weight.
3. The Council did not determine the application. However, it has confirmed that, had it been in a position to do so, it would have refused planning permission for reasons relating to the location of the proposed development, its effect on the character and appearance of the area and the proposed housing mix.
4. The application is submitted in outline with all detailed matters reserved apart from access. I have therefore had regard to the Ref: 100 Indicative Site Plan (dated June 2021) and drawing Ref: AMA/21114/SK001 in respect of the proposed access. I have treated any details not to be considered at this stage as being illustrative only.

Main Issues

5. The main issues are i) whether the proposed development would be in an appropriate location, with specific regard to the development strategy and the character and appearance of the area and ii) whether the proposed development would provide an appropriate housing mix for the area.

Reasons

Location of development

6. The appeal site is a roughly rectangular parcel of agricultural land that immediately abuts existing development at the northern edge of Sandhutton. The appeal site forms the southern end of a field which lies between the main form of the settlement on the western side of the A167 and the village hall to the north. The proposal would lead to the loss of part of an open field however, it would directly abut existing development and would be connected to the north and south via an existing footpath.
7. The site is bounded by the A167 to the east, existing development to the south and open land to the west. On the eastern side of the A167 lies a short row of houses (Craddock Row) which run perpendicular to the road. The main parties concur that the development plan does not define development limits for Sandhutton. Nonetheless, to my mind, the existing properties on Craddock Row to the east of the A167 represent the northern most limits of the village.
8. The development plan for the area is the Hambleton Local Development Framework Core Strategy 2007 (CS) and of particular relevance to this proposal is Policy CP4 which outlines the circumstances in which development will be allowed based upon a defined settlement hierarchy. The policy states that development within other locations, whether in the countryside or within the development limits of settlements not listed within the hierarchy will only be permitted in exceptional circumstances having regard to Policies CP1 and CP2 of the CS, in this case no exceptional case has been presented.
9. Notwithstanding the above, I note that the CS is accompanied by Interim Policy Guidance 2015 (IPG), its purpose to update policies in the development plan to reflect national guidance at the time (the Framework 2012). The IPG updated the settlement hierarchy to place Sandhutton in the Secondary Village tier and provides six criteria against which development proposals will be assessed. Since the publication of the IPG the Framework has been revised, most recently in 2021, although remains largely unchanged in respect of housing in rural areas. Paragraph 79 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities and in this regard, it reflects the guidance set out within the IPG. I am, therefore, content that the IPG remains consistent with the Framework.
10. Whilst I acknowledge that all matters, except access, are reserved for future consideration, I note that the indicative plan shows a small scale development that is linear in form and running perpendicular to the road, similar to Craddock Row. Furthermore, despite the loss of part of an open field, there would still be a substantial gap between the proposed development and the village hall to the north and the development would not go beyond the northern most limits of the settlement.

11. Accordingly, the proposal would be positioned in an appropriate location for housing, immediately adjacent to a sustainable settlement. Furthermore, the information before me indicates that the development could be designed to reflect the built form and character of the immediate area. Therefore, it would not have a harmful effect on the character and appearance of the surrounding area. In this regard, the proposal would comply with the CS Policies CP1 and CP16 and Policies DP10, DP30 and DP32 of the Hambleton Local Development Framework, Development Policies (DP) 2008 which when taken together, seek to preserve and enhance the district's natural assets and to respect the openness of the countryside.
12. The proposal would breach the requirements of Policy CP4 of the CS however, it would support local services and facilities as well as meeting the more recent requirements of the IPG and revised Framework. Consequently, there would be no material harm as a result.

Housing Mix

13. The Council considers that the mix of housing shown within the submission would not meet the requirements of Policy DP13 of the DP, CS Policy CP8 and the Size, Type and Tenure of new homes Supplementary Planning Document 2015 (SPD). I am mindful that the appeal is submitted in outline form and therefore all matters besides access are reserved for a later stage. Based upon the information before me I am satisfied that subject to an appropriately worded condition, a suitable mix of housing could be achieved on the site and consequently, I do not find conflict with the provisions of Policy DP13 of the DP or CS Policy CP8.

Other Matters

14. I have carefully considered the third party submissions in relation to highway safety, flooding, drainage, loss of views, type and design of the proposed dwellings, location and potential for further development. Some of these concerns have not been raised by the Council and others I consider capable of resolution at the reserved matters stage or via suitably worded planning conditions. Whilst I do sympathise with the concerns of local residents, none of the matters raised do not alter my decision with regards to the main issues.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. In the interests of precision and clarity, and where necessary, I have amended the wording of the suggested conditions and removed those that are repetitive in order to comply with advice in the Planning Practice Guidance.
16. For the avoidance of doubt and in the interests of certainty, planning permission is granted subject to conditions which relate to timeliness, the submission of reserved matters, approved plans and the type, tenure, mix and quantum of development.
17. To safeguard the local environment, it is necessary to impose conditions relating to ecological mitigation, drainage and land contamination.
18. Finally, a condition relating to landscaping implementation is necessary to protect the character and appearance of the area and, a condition restricting

site operation hours in order to protect the living conditions of neighbouring occupiers.

19. The Council suggested conditions relating to external materials, finished floor levels and fenestration details however these details can be sought via the reserved matters stage and are therefore unnecessary.

Conclusion

20. On balance, for the reasons outlined above and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Hunter

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Location Plan and 100 Indicative Site Layout as it relates to access only, received by Hambleton District Council on 12 July 2021.
- 5) This decision grants permission for no more than 5 dwellings. The size of each dwelling in the reserved matters submission shall meet the size requirements as expressed in the Nationally Described Space Standards and the mix of the dwellings shall meet the requirements of the size, type and Tenure of new homes SPD, adopted September 2015.
- 6) The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:
 - i) The crossing of the highway footway must be constructed in accordance with Standard Detail number E50.
 - ii) Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - iii) That part of the access extending 15 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 15.
 - iv) The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.
 - v) Visibility splays of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the 22 Appeal Ref: object height must be 0.6 metres.

The development shall be carried out in accordance with the approved details and retained for their intended purposes at all times.

- 7) There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full

details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) vehicular and pedestrian accesses;
- ii) vehicular parking;
- iii) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) The parking of contractors' vehicles;
- iv) areas for storage of plant and materials used in constructing the development clear of the highway;
- v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays.
- 10) Notwithstanding the details contained within the submitted Outline Drainage Strategy Project Report No. 21114-DSR-001 prepared by Andrew Moseley Associates (Report dated July 2021) development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:

- i) details of separate systems of drainage for foul and surface water on and off site.
- ii) details of new areas of hard surfacing to be formed using porous materials or an alternative solution that allows direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
- iii) a timetable for its implementation; and,
- iv) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 12) The development shall be carried out in accordance with the mitigation and enhancement measures set out in paragraphs 5.1 and 5.2 of the submitted Preliminary Ecological Assessment prepared by Naturally Wild dated June 2021. Prior to the commencement of development full details of the recommended sensitive lighting scheme and the location of the bird and bat bricks shall be submitted for the written approval of the Local Planning Authority. Following such written approval, development shall be carried out and retained in accordance with the approved details.
- 13) Notwithstanding the submitted details, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, including hard landscaping and the height and design of fencing shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.