
Appeal Decision

Site visit made on 15 February 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/05/2022

Appeal Ref: APP/G2713/W/21/3284512

Land off Saltergill Lane, Yarm TS15 9PG

- 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 Matthew Spalding against the decision of Hambleton District Council.
 - The application Ref 21/01768/OUT, dated 25 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is described on the application form as 'Erection of up to 4no. dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Hambleton District Council adopted a new Local Plan on 22 February 2022 and the main parties have been provided with an opportunity to comment on this matter. As a result, I am satisfied that neither party has been prejudiced in this regard.
3. The application is for outline planning permission, with all matters reserved for future consideration. An indicative site layout is submitted with the application, and I have taken this into account only in so far as determining the acceptability, in land use principle terms, of erecting four dwellings on the site.

Main Issue

4. The main issue is whether the proposal would represent an unacceptable intrusion into the open countryside having regard to the spatial strategy of the adopted development plan for the area.

Reasons

5. The appeal site is situated within the extensive parkland grounds and gardens of Saltergill Hall which according to the Council's officer's report encompasses approximately 5 acres. The site is bounded by trees on three sides with the row of trees on its side boundaries not being as dense or high as the row of mature trees on its rear boundary meaning that it is not fully spatially or visually enclosed or 'well-contained'. The site's front boundary with Saltergill Lane comprises a brick wall with metal railing fencing.

6. On my visit I observed that on the other side of Saltergill Lane was what appeared to be a relatively new housing development. I also saw that there was a public footpath leading from the end of Saltergill Lane towards this housing development. It was also evident that the site was readily visible from Saltergill Lane and this nearby public footpath. Notwithstanding the presence of the nearby large housing development, given the relatively open character of the grounds and gardens of Saltergill Hall, I consider the character of the appeal site, these grounds, and the more open land beyond them that stretches to Low Worsall to be intrinsically rural.
7. Policy S5 adopted Hambleton Local Plan (HLP) defines the countryside as land outside of the exiting built form of a settlement identified in the settlement hierarchy as set by policy S3 of the HLP. Therefore, the appeal site is located within the open countryside, something which the main parties appear to agree on. Policy HG5 of the HLP supports windfall housing within the built form of settlements defined by policy S3 or on sites adjacent to these settlements.
8. Consequently, the proposed residential development would need to meet the criteria set out within policies S5 and HG5 of the HLP for it to be acceptable in principle.
9. Policy S5 also states that the built form of a settlement excludes, amongst other things: any individual building or group of dispersed buildings or ribbon developments that are clearly detached from the main part of the settlement; and gardens, paddocks, and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement.
10. Given the gap between them and the new housing estate on the edge of Yarm I consider that Saltergill Hall and the buildings near to it, on the far side of Saltergill Lane, to be a cluster of buildings that are detached from the main part of a settlement rather than a large residential complex. I also consider that the grounds of Saltergill Hall and the more open land surrounding it and beyond it spatially and visually relates more to the open countryside between Saltergill Hall, the cluster of buildings to which it belongs and the nearby settlement of Low Worsall. The appeal site is also not on the edge of any settlement identified by the hierarchy set out by policy S3 of the HLP. Consequently, I find that the indicative proposal would fail to meet the relevant criteria set by policy S5.
11. I acknowledge that the appeal site is located across the road from the built form of the large town of Yarm. However, even so, given the stark visual contrast between the built-up residential development on one side and the open rural landscape on the other, I consider that Saltergill Lane forms a clear visual and spatial boundary with the more open landscape beyond the existing built form of the adjacent larger town of Yarm, which is outside the local plan area. In any event, even if Yarm was within the plan area, given that the site relates more to the open landscape on the other side of Saltergill Lane, I consider that it would fail to meet this criterion of policy S5 regardless. For similar reasons the indicative proposal would also fail to meet the relevant criteria of policy HG5.
12. Consequently, I find that the indicative proposal would represent a discordant visual and spatial addition to the open rural landscape in this location thereby having a significant adverse impact in this regard.

13. I note the appellant's point that appeal site is not visible from long range, however no substantive evidence such as a Landscape and Visual Assessment report has been submitted to support this.
14. I therefore conclude that the indicative proposed development would represent an unacceptable intrusion into the open countryside having regard to the spatial strategy of the adopted development plan for the area. Accordingly, it would fail to meet the relevant requirements of policies S5 and HG5 of the HLP.

Other considerations

15. Turning to the benefits, the indicative development would potentially provide up to four additional houses and a social benefit. There would also be some economic investment from both their construction and subsequent occupation. However, given the scale of the proposal these benefits would be limited.
16. The site is also in a relatively sustainable location within easy reach of a wide range of services and facilities in Yarm and this benefit carries moderate weight in favour of the indicative proposal.
17. The appellant has indicated that the proposal would provide an element of self-build housing. However, I have no substantive evidence before me to show that this would be the case. As a result, I afford this consideration little weight.

Conclusion

18. The indicative proposal would not accord with the development plan when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR