
Appeal Decision

Site visit made on 7 June 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/G2713/W/21/3287860

OS Field 0051, Land adj. to Mile View, Great Smeaton Road, Hornby, North Yorkshire DL6 2JQ

- 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 planning permission.
 - The appeal is made by Mr Alan Peacock, Beechwood Project Management Ltd. against Hambleton District Council.
 - The application Ref: 21/01717/FUL, is dated 6 July 2021.
 - The development proposed is the erection of 1 new dwelling house c/w associated enclosures and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 new dwelling house c/w associated enclosures and landscaping at OS Field 0051, Land adj. to Mile View, Great Smeaton Road, Hornby, North Yorkshire DL6 2JQ in accordance with the terms of the application, Ref: 21/01717/FUL, dated 6 July 2021 subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an Appeal Statement which sets out its concerns, as well as a putative reason for refusal. As this includes the matters of dispute with the appellant, it forms the basis of the main issue in this case.
3. The Council adopted the Hambleton Local Plan (2022) (Local Plan) on 22 February 2022. The Council's Appeal Statement explains where it considers there would be conflict with the Local Plan policies. The appellant has had the opportunity to consider these matters at the subsequent Final Comments stage. The Council's putative reason for refusal refers to Policy H5, although this is not a policy of the Local Plan that I have been forwarded. Accordingly, I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would be in a suitable location for housing under development plan policies, in particular with regard to the housing mix and the effect on the character and appearance of the area.

Reasons

5. The appeal site comprises part of a large arable field. The front boundary with the road is defined by a hedgerow and there is a fence on the shared boundary with a recently completed neighbouring dwelling. The boundaries with the remainder of the field are not delineated. The site lies immediately to the west of the built form that makes up the village of Hornby and which is laid out in a broadly linear fashion. The land to the west of the village is countryside in character, consisting predominantly of large open fields.
6. For the purposes of the Local Plan, Hornby is defined as a 'small village'. Under Policy HG5, windfall housing development adjacent to the built form of such a village will be supported where a proposal demonstrates a number of criteria. The supporting text to Policy HG5 refers to Policy S5 in this respect, where it defines the main built form of villages. Hornby extends in a continual manner on this side of the road up to the site. Hence, the site lies adjacent to the main built form of the village. There would not be a conflict with either Policy HG5 or S5 in this regard.
7. The Council raise concerns over compliance with Policy HG5 principally by way of housing mix, and character and appearance. It has not been suggested on a substantive basis that the proposal is in conflict with the criterion which relates to considering previously developed land (PDL) first. The appellant is not aware of any such sites and the Council has not pointed to evidence that it holds that PDL in the village is suitable for residential development and is available for development, as is referred to in the supporting text to the policy.
8. As a single dwelling is proposed, a mix by virtue of size, tenure and type clearly cannot be demonstrated. The Council is concerned that as recent planning permissions in the village have been akin to the proposal, that a mix would not be achieved. However, even if Policy HG5 required a consideration of sites beyond the proposal, it is evident that Hornby contains some variety of dwellings. The proposal would thus not run counter to the Council's housing mix objectives, including where I have been referred to the Housing and Economic Development Needs Assessment, Strategic Housing Market Assessment in Policy HG5, as well as to Policy HG2 of the Local Plan.
9. Turning to character and appearance, Policy HG5 sets out that proposals are to have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
10. The proposal would represent an extension to the linear form of the village and so would be in keeping with this aspect of the local character. The scale, form, massing and design of the proposal would reflect that of the neighbouring dwelling, and the dwelling beyond that. It would not therefore result in a detrimental impact, but would simply be part of the prevailing character in this part of the village, when considered in combination with these newer dwellings.
11. As the village is approached from the west, there is a fairly abrupt transition from the countryside to the built form of the village, especially on this side of the road. The site is viewed in the context of the flank elevation of the neighbouring dwelling at this edge of the village, rather than as part of the open countryside. Even when viewed from the frontage, where open fields to

the rear are evident, so are the nearest parts of the side and front elevations of the neighbouring dwelling. It is separated from the open field opposite by the road.

12. The proposed dwelling would also be sited slightly further back from the site frontage than its neighbour and further back again from the next dwelling in the village, which is viewed as angling somewhat towards the road. This arrangement would provide a less abrupt transition because the dwellings would appear as progressively sited further towards their frontages as the village is entered from the countryside. The existing hedgerow would further soften the appearance of the built form, as would landscaping by way of the imposition of a planning condition, also given the proximity of the site to open countryside. The use of such a condition is reasonable and necessary so that the proposal would not be inappropriate for this site. For these reasons, the massing and width of the gable form of what would be a fairly large dwelling is not decisive.
13. As a result, making comparisons with a previous permission¹ on the site for a proposed dwelling does not change my view. The same applies in relation to the appeal decision which concerns a nearby dwelling, notwithstanding these were both considered under a different development plan. The proposal in its own right would not cause harm to the character.
14. In taking these considerations together, it is not the case that the proposal fails on the principle of development on the site as it would not be in conflict with the relevant development plan policies. Whilst I would accept that successive proposals coming forward alongside this road may have an impact on the character by effectively extending the village, it has not reached a time when this would make the proposal unacceptable.
15. I conclude that the proposal would be in a suitable location for housing under development plan policies, in particular with regard to housing mix and the effect on the character and appearance of the area. As such, it would comply with Policies HG5 and S5 as it would comprise a proposal for a housing development adjacent to the built form of a small village, in relation to housing mix and in having no detrimental impact on the character and appearance. It would also comply with Policy E1 of the Local Plan as it would be of high quality, integrate successfully into its surroundings and respect local character and distinctiveness, amongst other considerations.

Other Matters

16. With regard to the local services in Hornby being of a limited nature, Policy HG5 does not seek to prevent housing development on this basis and similarly in relation to the accessibility by non-car modes of transport. Rather, Policy HG5 refers to the incremental growth of the village that is commensurate to its size, scale, role and function. As a single dwelling is proposed, it would comply with this criterion. Nor would the effect from one dwelling be likely to result in undue effects on such services, as well as on local infrastructure.
17. I reach the same conclusion by way of the effect on highway safety. The proposal would utilise the same access onto the road as the neighbouring dwelling and the amount of traffic generated from one additional dwelling

¹ Council ref: 20/02150/OUT

would likely be of a limited nature, as well as in combination with other similar developments in the village. Likewise, construction traffic would also be for a limited period because the build would likely be of a short duration.

Conditions

18. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purpose of certainty. This excludes an indicative street elevation drawing which shows comparisons with neighbouring dwellings. The elevations of the proposed dwelling itself are shown on an approved plan.
19. In order to protect the character and appearance of the area, a condition is imposed concerning the proposed external materials as shown on the relevant plan. A landscaping condition is applied for the same reason. A condition is imposed in relation to the construction of the access for highway safety reasons. The Highway Authority recommended a number of other conditions at the time of the planning application, although these duplicate a number of matters and the access visibility splay onto the highway has already been established. Nor is a construction phase management plan necessary for a single dwelling.
20. Where I have altered the wording of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall intention.

Conclusion

21. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250, Site Block Plan Scale 1:500, dwg. no. 100 rev. A1 Sketch Design – Site Plan, dwg. no. 101 rev. A1 Sketch Design – House Plans, dwg. no. 102 rev. A1 Sketch Design – House Elevations.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on dwg. no. 102 rev. A1 Sketch Design – House Elevations.
- 4) No above ground construction work shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing hedgerows on the land, identify those to be retained and set out measures for their protection during the course of the development and indicate the type, height, species and location of all new hedgerows, trees and shrubs. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and 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.
- 5) The crossing of the highway verge must be constructed in accordance with the approved details contained in Drawing 100 Rev A1 and Standard Detail number E10 and the following requirements.
 - 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.
 - Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be maintained.