



Appeal Decision

Site visit made on 21 July 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/G2713/W/22/3297847

Land to north of Carlton Road, Carlton Miniott YO7 4NJ

- 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 Richard Roberts Ltd against the decision of Hambleton District Council.
 - The application Ref 22/00129/OUT, dated 18 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is outline planning permission (with all matters reserved except access) for the erection of 4 no. dwellings (use class C3).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 4 no. dwellings (use class C3) at Land to north of Carlton Road, Carlton Miniott YO7 4NJ in accordance with the terms of the application, Ref 22/00129/OUT, dated 18 January 2022, subject to the conditions set out in the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Richard Roberts Ltd against Hambleton District Council. This is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought but with access included for consideration at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration. I have had regard to the indicative site plan 3272-DEN-X-XX-DR-A-1000, landscape strategy plan 1355 002, proposed site access and visibility splays AMA/21265/SK/003 and visualisations 3272-DEN-X-XX-DR-A-9000, 3272-DEN-X-XX-DR-A-9002 and 3272-DEN-X-XX-DR-A-9003 but have regarded all elements of these drawings as indicative apart from the details of the access. The details of access for consideration at this stage I have taken to be the point of access to the site from Carlton Road with the details of the junction, sight lines and radii. I have treated the private drive depicted on the plans as a matter to be considered at the reserved matters stage.
4. Although the development description in the banner heading above reflects that on the application form, I have adopted a more concise description in my Decision, omitting superfluous elements which are not acts of development. In doing so, I am satisfied that I have not prejudiced the interests of either main party whilst it remains clear in my Decision the nature of the application and the matters reserved for subsequent consideration.

Main Issue

5. The main issue is whether or not the proposed housing development would result in the loss of an important parcel of countryside and thereby harm the character and appearance of Carlton Miniott.

Reasons

6. Carlton Miniott is a settlement that spreads out in a predominately linear form along the A61. Thirsk train station marks the approximate point at which Carlton Miniott ends and the larger market town of Thirsk commences. At this end of the settlement the character of Carlton Miniott is at its most built-up. Factors which contribute to this character include the variety and nature of services and facilities present and that the built form extends some considerable distance from the A61.
7. At the opposite end of the settlement, farthest from Thirsk, the settlement is in some ways similar, again containing a range of facilities. When travelling along the A61 in this part of the settlement, gaps in the built form are relatively limited though nevertheless there are gardens, trees and hedgerows which provide a verdant character.
8. Between these more built-up sides of the settlement the space in-between has a more open and rural feel. This is established by fields running alongside the A61, including those containing livestock, properties being set in spacious plots and the presence of buildings of an agricultural appearance. Though exhibiting this more open and rural character, this part of Carlton Miniott is not an entirely open, large swath of countryside as such, but clearly less built-up in comparison to the remainder of the settlement.
9. The site is part of an agricultural field and is located at a point where one of the more built-up parts of the settlement, that farthest from Thirsk, transitions to the area which is more open and rural. I note the plan supplied which depicts the site as being one of four gaps which remain between the two more built-up parts of Carlton Miniott.
10. The development would cause some extension to a more built-up part of the settlement and, in turn, some erosion of the more open, rural character would result. However, other fields and gaps within the central portion of Carlton Miniott would remain. These further undeveloped spaces are collectively substantial. As a parcel of countryside, the site has some intrinsic value but there is nothing about its appearance that elevates its value above other open parcels of land in Carlton Miniott. Importantly, the more rural part of the settlement does not wholly obtain its character from clear and expansive field gaps. Those aforementioned elements of buildings set within spacious plots and the agricultural appearance of some buildings also contribute. The development would have no effect on these elements. Furthermore, the field within which the site is located, including the stretch immediately adjacent to the A61, would not all be developed.
11. The access at Carlton Lodge lies close-by to the site in a quite heavily wooded setting. When travelling towards this access along the A61 the number and maturity of the trees provides a green backdrop to the appeal site. Like the site, this green backdrop is located at this transition point where the character of the settlement changes from the built-up to less built-up. With the proposal

completed, this wooded area would still act as a leafy bookmark to this side of the settlement.

12. I acknowledge the evidence before me of the more recent planning permissions and development in the area. The extent to which these bear similarities with or differences from this case varies. One such development is the short row of recently built houses next to the site. These may well all be affordable homes and this may have contributed significantly to the circumstances as to why planning permission was obtained for them at the time. Nevertheless, these houses are in situ and provide a form of residential development fronting onto the A61 which is very typical of much of Carlton Miniott and which the proposal would also provide another example of.
13. Opposite the site is Tree Tops to the side of which development has commenced on land which has planning permission, granted at appeal, for housing. The space which would remain between the housing granted under that appeal and the next property along on that side of Carlton Road may well be greater than would result on this side of the road with the development proposed. However, I find no unacceptable effects would occur because of this. A gap to the Carlton Lodge access and a further gap to the house beyond would endure together with that aforementioned concentration of trees which provide leafy visual relief. I accept that the development of new homes at Carlton House and the Old Vicarage do differ somewhat from that proposed here. They are single dwellings, set farther away from the more built-up sides of Carlton Miniott and constitute infill type development. However, those differences do not mean that the development in this case is unacceptable.
14. While there may become a point at which the cumulative effect of incremental development unacceptably undermines the character and appearance of Carlton Miniott, this particular development would not cause that to occur. Enough of those more open and rural qualities between the two more built-up parts of the settlement which contribute to the distinctive character of Carlton Miniott would remain. In turn, the prospect of coalescence of the settlement into one, more heavily built-up entity, would be avoided. Furthermore, though the detail of layout is not for consideration at this stage, the indicative plans depict homes set-back and facing Carlton Road in a linear arrangement which echoes the existing character of the side of Carlton Miniott that it would provide an addition to.
15. The site may have formed a part of a site put forward, and not selected, as a preferred option housing site in the past. However, the site put forward at that time was substantially larger and would potentially yield many more dwellings than in this case. The effects that would have resulted from more dwellings on that larger site are not very comparable with this case and consequently that past assessment has little bearing on my Decision.
16. Therefore, whilst the development would result in some localised loss of open countryside, the extent of this would not harm to any significant degree the prevailing character or setting of Carlton Miniott. Accordingly, the development would be an acceptable form of incremental growth of Carlton Miniott in accordance with policy HG5 of the Hambleton Local Plan (2022, HLP). In summary, and amongst other things, policy HG5 seeks to ensure that minor scale housing represents an organic addition to a village, does not result in the

loss of an important open space or a detrimental impact on the character, appearance or setting of the village.

Other Matters

17. I note the proximity of a primary school to the site and it may be that there are concentrations of parking in this area. However, there is no substantive evidence before me on what particular parking problems may occur presently nor that the development would worsen these problems.
18. The speed limit does change on Carlton Road from a 30mph to 40mph limit close to the site whilst a little farther along the road there is a noticeable but not severe bend. I note that, informed by the comments of the local highway authority, the Council are satisfied, subject to the imposition of conditions, that access arrangements from Carlton Road would be safe. On the basis of the evidence before me and my own findings on my site visit, I have no reason to conclude that this would not be the case. Though on the opposite side of Carlton Road the footpath does start and stop, on the side of the development it is present and runs in both directions providing a safe route for pedestrians.
19. A section of hedgerow would require removal to facilitate the access. Though landscaping is a reserved matter, the plans depict that the site frontage would retain other sections of hedgerow. Any additional planting or management provisions in regard to hedgerows on site and the precise design and degree of enclosure of the proposed landscaping areas would be considered at the reserved matters stage.
20. Standing water may be present in the field within which the site is situated at certain times and it may be that a manhole in the road has overflowed. The submitted flood risk assessment does acknowledge some potential for surface and groundwater flooding to affect the field, though it presents the risk of each as being low. I have no reason to conclude that through the implementation of a detailed drainage design that the development could not be adequately drained both in terms of surface and foul water and thereby ensure that the risk of flooding is not increased as a result of the development.

Conditions

21. I have imposed standard outline planning permission conditions in respect of the submission of the reserved matters and time limitation (conditions 1, 2 and 3). For clarity, I have imposed condition 4 to define the maximum number of dwellings permitted and that they must be built within the bounds of the site. I have omitted a further element, as suggested by the Council, that would seek to control the size of dwellings. The reserved matter of scale would serve as a means to control this.
22. Condition 6 requiring a construction method statement is necessary to ensure that the effects of the construction phase on the living conditions neighbouring occupiers and in relation to highway safety would be acceptable. A drainage condition (No 7) is needed to ensure that the development is adequately drained in regard to both surface and foul water. Though the Council suggested two conditions to this end, I see no reason why a single condition, the discharge of which can require the submission of all necessary details, would not suffice. I have imposed condition 8 requiring the agreement of a

biodiversity enhancement and management plan to ensure that the development accords with the requirements of policy E3 of the HLP.

23. I have imposed conditions 5 and 9 in the interests of highway safety and condition 10 as only the point of access is being approved at this stage. Access related conditions suggested by the Council included a requirement to meet a particular dropped kerb standard detail and ensure that no gates or barriers could swing over the highway. The dropped kerb standard detail is not before me but irrespective the access details submitted are sufficient whilst the plans submitted do not propose gates or barriers. Should such enclosures be proposed at the reserved matters stage the Council would have adequate opportunity to exhibit control at that stage. I have therefore omitted these elements. In order to minimise the pollution and health risks which could arise from unexpected site contamination, I have imposed condition 11.
24. The submitted access drawing identifies the section of hedgerow to be removed to provide access. The reserved matters stage provides sufficient control over any other landscape related proposals and works and as a result the Council's suggested conditions in respect to the hedgerow and location of a buffer zone are not necessary. Similarly, I have not imposed conditions in respect of levels or space standards as these can also be resolved at the reserved matters stage.
25. Where necessary and in the interests of precision or clarity I have made some general amendments to the wording of the conditions and their order but in so doing I am satisfied that neither party's interests would be prejudiced. This includes the omission of references to "unless otherwise agreed in writing by..." as there are more appropriate formal methods of dealing with variations to planning conditions.

Conclusion

26. For the reasons set out above, I conclude that the appeal is allowed subject to the conditions in the attached Schedule.

H Jones

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 limited to no more than 4 dwellings on the land bound red on plan 001.

- 5) No access or egress of any vehicles between the highway and site shall occur until the site access has been provided in accordance with drawing AMA/21265/SK/003 inclusive of the visibility splays. Thereafter, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - details of any temporary construction accesses to the site including measures for their removal following completion of construction works;
 - the parking of vehicles of site operatives and contractors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - contact details for the site manager

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

- 7) No development shall commence other than initial site clearance and preparatory works, until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.
- 8) No development shall commence, other than initial site clearance and preparatory works, until a biodiversity enhancement and management plan has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain. The development must thereafter be completed, and the biodiversity area managed, in accordance with the approved details.
- 9) The development hereby approved must not be brought into use until the existing access on the site frontage has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the local planning authority.
- 10) The reserved matters must be accompanied by details of the design, layout and surfacing of all vehicle, cycle and pedestrian circulation routes and parking including private drive accesses.
- 11) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of

measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

****end of Schedule****