



Appeal Decision

Site visit made on 16 August 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/N2739/W/22/3298177

Springwood, Hollygarth Lane, Beal, Selby DN14 0SX

- 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 and Mrs Peibst against the decision of Selby District Council.
- The application Ref 2021/1495/OUT, dated 8 December 2021, was refused by notice dated 18 March 2022.
- The development proposed is the erection of a bungalow on land to the west of the site.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is 'proposed bungalow on land to the east of the site'. The description on the Council's decision notice and appeal form describes it as 'outline application for erection of a bungalow on land to the west of the site (all matters reserved)'. From the submitted plans and what I observed when I visited the site, this latter description more accurately describes the proposal. I have therefore used this description for the purposes of the appeal but have omitted reference to 'outline application for' and '(all matters reserved)' as these are not a description of the development.
3. The application was submitted in outline with all matters reserved for future consideration (including access). I have determined the appeal on this basis, treating supporting plans as illustrative.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on highway safety with regard to visibility;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of nearby residents with regard to outlook and light; and
 - if the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development in the Green Belt

5. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework states that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.
6. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at paragraph 149 e) allows for the limited infilling in villages. The exception at paragraph 149 g) allows for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Policy SP3 of the Selby District Core Strategy Local Plan adopted 2013 (the Core Strategy) states that permission will not be granted for inappropriate development unless it has been demonstrated that very special circumstances exist to justify why permission should be granted.
8. There is no definition of 'village' within the Framework and my attention has not been drawn to any definition within the development plan. Nevertheless, I am satisfied that the appeal site is within a village, being set within the built-up area of Beal and what the submitted evidence states is its identified development limit. The scheme proposes a single dwelling and would therefore be limited.
9. There is also no definition of 'limited infilling' in the Framework and I have not been made aware of any definition in the development plan. Whether the proposal would represent infilling is therefore a question of planning judgement based on an assessment of the site and its surroundings.
10. The Council considers that infilling implies the filling of a gap or space in an otherwise built-up frontage that is devoid of other development. As there is a garage on the site, the Council's view is that the proposal cannot be considered as infill.
11. There is a built-up frontage for a considerable length of Hollygarth Lane on its northern side and for part of its length on its southern side in the vicinity of the site. The site fronts onto Hollygarth Lane and lies in between the dwellings at Springwood and Stonecroft, with a further property at Lynley Cottage to the rear. Surrounding built development would therefore be read as being adjacent to the site. The indicative site plan shows how a dwelling could be positioned on a general line that follows other buildings along Hollygarth Lane and with similar separation distances. In this context, my view is that the proposal could reasonably be considered as infill, notwithstanding that there is a garage to the rear of the site which would be replaced.
12. Consequently, I conclude that the construction of a single dwelling at the site would be limited infilling in a village. Therefore, the proposal would accord with

the exception under paragraph 149 e) of the Framework and would not be inappropriate development in the Green Belt.

13. There is no requirement to consider the impacts on openness or the purposes of including land within the Green Belt as this is implicitly taken into account within this exception. Moreover, as I have found that the proposal is not inappropriate development in the Green Belt, it is not necessary to consider whether any very special circumstances exist. In addition, there is no need to consider whether it would meet the exception under paragraph 149 g) of the Framework.
14. Consequently, I conclude that the proposal would not be inappropriate development within the Green Belt. It would therefore comply with Policy SP3 of the Core Strategy and section 13 of the Framework which have been summarised above. It would also accord with Policies SP2 and SP4 of the Core Strategy which require development in villages washed over by the Green Belt to conform with Policy SP3 and national Green Belt policies.

Highway Safety

15. Hollygarth Lane has residential properties and a pavement on both sides for parts of its length, a speed limit of 30mph and no road markings. The residential properties have a mixture of open and enclosed front gardens with most properties having off street parking.
16. The illustrative site plan shows that the new dwelling could be served by the existing driveway that currently serves the property at Springwood, with parking to the front. A new access would then be formed adjacent to serve the existing dwelling.
17. The Highway Authority identifies that the existing access does not meet the current visibility guidelines but acknowledges that this is an existing situation. The Highway Authority estimates that the new access as shown on the illustrative site plan would have visibility splays of 43 metres to the west and 33 metres to the east, if the wall, which forms the host property's front boundary, is reduced in height. The Highway Authority is of the view that the required visibility should be 43 metres from a point two metres from the carriageway edge in both directions, unless a speed survey is carried out which demonstrates that actual speeds of passing traffic at the site would allow a lesser visibility splay.
18. On my site visit, I noted that visibility to the east is restricted by the host property's boundary wall and the conifer trees in its garden, both of which would be in the control of the appellant, but also by the road geometry. Without any substantive evidence of vehicle speeds along the lane, I cannot be certain that the visibility splay to the east would be appropriate, especially as it would likely be necessary for residents to reverse into the drive or onto the lane.
19. The appellant highlights that the access arrangement for the existing property does not allow for the turning of vehicles. I also acknowledge that there are nearby properties which have limited manoeuvring areas, and consequently vehicles would likely need to reverse in to or out of these properties. However, these arrangements are not before me.

20. During my site visit, traffic volumes were low, which tallies with the site visit referenced in the appellant's statement, although these were a snapshot in time. I note the lack of recorded accidents on Hollygarth Lane over the last 23 years, and the results of research published in Manual for Streets which found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily trafficked roads, although I acknowledge that it is not clear whether on-site turning was available at these sites. However, these matters do not provide a persuasive justification to increase the potential for an accident to occur in the future.
21. Taking the above factors into account, and notwithstanding that final access details are reserved for future consideration, I conclude that insufficient evidence has been provided to demonstrate that access arrangements could be put in place that would not have an unacceptable impact on highway safety with regard to visibility. The proposal would therefore conflict with the highway safety requirements of Policies ENV1, T1 and T2 of the Selby District Local Plan Part 1 – General Policies, adopted 2005, (the Local Plan) and paragraphs 110 and 111 of the Framework.
22. The Council has referred to Core Strategy Policy SP15 in reasons for refusal four and five on its decision notice. This policy sets out criteria relating to sustainable development and climate change. However, none of these specifically refer to highway safety. As such, I have not found conflict with this policy.

Character and Appearance

23. The site is part of the garden of the dwelling at Springwood. The proposed dwelling would be sited to the side of the existing property, with the illustrative site plan showing that the existing single storey garage would be removed to facilitate its development.
24. The site is surrounded by residential properties of a mixed type, style and design. There are bungalows and detached two storey dwellings on the north side of Hollygarth Lane, with a row of two storey terraced dwellings opposite the site as well as a small number of detached properties.
25. I am mindful of the indicative scale and layout of the dwelling shown on the submitted plans, but the appellant is not bound by this given that these matters are reserved for future consideration. Nonetheless, given the size of the site and its configuration, it is likely that a dwelling would take up much of the space between the existing dwelling and its side boundary. To the extent that a dwelling would occupy more of the site than the existing garage, there would be some loss of spaciousness.
26. However, although there is some variety in plot sizes, there is a generally compact feel to the street scape within the vicinity of the site. From the submitted information, it would be possible for the site to accommodate a dwelling that would retain a gap with Springwood similar to that of other nearby properties on Hollygarth Lane. In addition, the adjacent dwelling at Stonecroft is set back from the lane leaving a relatively large open frontage to this side of the site. The proposed development would therefore not result in a cramped form of development that would be incongruous in the street scene.

27. I therefore conclude that the proposal would not harm the character and appearance of the area. Consequently, it would accord with Policy SP18 of the Core Strategy and Policy ENV1 of the Local Plan which seek to sustain local distinctiveness, and the design objectives of the Framework.
28. The Council's second reason for refusal relating to this issue refers to a conflict with Policy SP3 of the Core Strategy, which relates to the Green Belt. Given my conclusions on Green Belt above, I do not find a conflict with this policy.

Living Conditions

29. The Council's third reason for refusal on its decision notice has not identified a specific property, however, based on its officer report and appeal statement, it is clear that the concern relates to residents of Lynley Cottage. I observed a number of windows in the rear elevation of this dwelling. There are no details of the internal layout of this property, but it appears to me likely that at least a number will relate to habitable rooms. Its rear garden backs on to the site.
30. Although appearance, layout and scale are reserved for future consideration, a dwelling would likely increase the scale of development facing Lynley Cottage compared to the existing garage, thereby adding built form in relatively close proximity to the common boundary. A dwelling at the site would have a similar relationship with Lynley Cottage as other properties in the vicinity. However, the dwelling at Stonecroft, which is a relatively substantial dwelling, sits close to the boundary with the cottage and at a slightly higher level, as would a dwelling at the site. The combination of this adjacent property together with a dwelling at the site would result in a degree of enclosure for this property. However, based on the illustrative site plan, a reasonable separation distance could be achieved such that this need not be experienced as unacceptably overbearing by its residents.
31. The appellant's sun path analysis illustrates that there would be some overshadowing based on the indicative siting and scale of the proposed dwelling. However, this would likely be restricted to winter months and would only occur for a relatively limited period of time each day during this period. Therefore, based on the submitted evidence, I am not persuaded that the living conditions of these neighbouring residents would be significantly affected by a loss of sunlight or daylight such as to warrant the dismissal of the appeal.
32. I therefore conclude that a dwelling with an appropriate design and layout could sit within the site without causing an unacceptable loss of light or outlook to neighbouring residents. The proposal would therefore accord with the residential amenity requirements of Policy ENV1 of the Local Plan and paragraph 130 f) of the Framework.

Conclusion

33. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR