



Appeal Decision

Site visit made on 20 September 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2022

Appeal Ref: APP/G2713/W/22/3296095

Land adjacent to Back Lane, Great Broughton

- 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 P Cooper against the decision of Hambleton District Council.
 - The application Ref 21/02076/OUT, dated 23 August 2021, was refused by notice dated 15 February 2022.
 - The development proposed is described as the Construction of Two Bungalows (Re-submission).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice refers to the Local Development Framework Core Strategy (2007) and Development Plan Document (2008) Policies. These have been superseded by the adoption of the Hambleton Local Plan in February 2022 (LP). The appeal process has allowed the main parties to make comment on the most up to date situation with regards the development plan which I have determined the case in accordance with.

Main Issues

3. The main issues are whether the appeal site is in an appropriate location for housing having regard to the settlement strategy and the effect of the proposed development on the character and appearance of the area.

Reasons

4. Great Broughton is identified as a service village by Policy S3 of the LP. Policy S5 of the same sets out the Council's approach to development in the countryside which, in summary, identifies the built form of the settlement as *'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them'*. This excludes, amongst other things, agricultural buildings on the edge of the settlement.
5. Policy HG5 sets out criteria where proposals to build minor scale housing development on a site adjacent to the built form of a defined village will be supported. Whilst criteria a) to d) are not in dispute, criteria e) is. In summary, it states that proposals will individually or cumulatively *'have no detrimental impact on the character and appearance of the village, surrounding area and countryside.'*

6. The appeal site is located adjacent to the built form of the village, to the east of Back Lane, which is narrow and rural in character with hedgerows and mature trees to both sides. The lane provides a clear boundary between the settlement and the surrounding countryside. To the east of Back Lane, the area is largely undeveloped and verdant and exudes a strong rural quality that contributes positively to its character and appearance. Grove Hill sits on the junction with Ingleby Road and relates well to the adjacent residential properties. Whilst its curtilage is near to the appeal site, it is separated by a small area of open land, reinforcing the stand-alone nature.
7. There are some residential properties facing and taking their access from the lane to the north of the appeal site. Nevertheless, the rural undeveloped character to the east of the lane remains. Further north still, a small group of dwellings sits to the east of Back Lane, east of Manor Grove. This is an isolated grouping, which sits some distance away and is not physically or visually related to the appeal site.
8. The appeal site contains three agricultural sheds, which at the time of my site visit were being used for the storage of bales and agricultural equipment. The site is surrounded by open countryside to the sides and rear. Whilst they could be described as utilitarian and untidy in appearance, such buildings are not unexpected in such a rural setting, and they do not detract from its prevailing open feel.
9. The appeal scheme would offer a reduced built form on the site and include additional screening. That said, the bungalows and their associated curtilages would stand out as obvious and incongruous additions against the undeveloped rural character of the surroundings. This would extend the residential built form beyond Back Lane and would result in an urbanising effect which would accordingly jar with the areas rural qualities.
10. The appeal proposal would therefore have a harmful effect on the character and appearance of the area and, consequently, conflict with Policy E1 of the LP and the National Planning Policy Framework (the Framework) which in summary, require new development to demonstrate high quality design and reinforce local distinctiveness. For this reason, the appeal site is not an appropriate location for housing having regard to the settlement strategy and would conflict with Policies S3, S5 and HG5 of the LP. The aims of which I have set out above.

Other Matters

11. The appellant has highlighted an appeal at Broughton Grange, Great Broughton and a planning application at Hill View, Kirkby in Cleveland. I am not convinced that these are directly comparable with the appeal site, which, whilst it is immediately adjacent, it does not function or appear to be part of the settlement. The appeal site sits to the east of Back Lane which, in this case, is a clear delineating feature which subdivides the character of the open countryside from the built form of the village itself. I also note the appellant's commentary in regard to a sequential approach to site selection. Whilst I cannot argue with their findings in this regard, it would not absolve me from making an assessment of the effects of the proposed development on the chosen site. This would give rise to harm for the reasons I have given.

12. There are some areas in which the appeal scheme would be acceptable and comply with the development plan as a result. These would however be a lack of harm in each case which, by definition, cannot be used to weigh against harm. I also have limited evidence before me to suggest that the keeping of livestock in this location impacts negatively on the living conditions of the occupiers of neighbouring properties.
13. The rear gardens of the residential properties in The Dorkings are closest and are on the opposite side of Back Lane, separated by intervening hedgerows and mature trees, which limit views towards the appeal site. The agricultural buildings are set well back from the road and the appellant agrees that the site is relatively well screened in public views. The benefits of the proposals on neighbouring views would therefore be limited.
14. The proposal would respond to the need for smaller homes and homes for the elderly in the area and would contribute to the viability of the local community in a sustainable location. However, these benefits resulting from a limited quantum of development would be equally limited and would not outweigh the harm identified. I have no corroborative evidence before me to suggest that the traffic generated from the proposals would be less than the current agricultural use.
15. The appeal site falls within a catchment area for the Teesmouth and Cleveland Coast Special Protection Area (SPA). It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. However, an AA is not necessary where there is no intention to grant permission (clause 63(1)). Therefore, as I am dismissing the appeal for other reasons, I have not pursued this matter further.

Conclusion

16. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR