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# Appeal Decision

Site visit made on 4 January 2023

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 January 2023**

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**Appeal Ref: APP/G2713/W/22/3305796**

**Lane End Farm, Station Road, Alne, York YO61 1TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Jamie Moore against the decision of Hambleton District Council.
  - The application Ref 21/02831/FUL, dated 30 November 2021, was refused by notice dated 14 April 2022.
  - The development proposed is change of use of agricultural land to residential allowing the building of a detached dwelling house with detached garage and related facilities.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Hambleton District Council against Mr and Mrs Jamie Moore. This application is the subject of a separate decision.

## Main Issues

3. The main issues are:
  - the principle of the proposal with regard to its location;
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposal would provide acceptable living conditions for future occupiers with regard to noise from the East Coast Main Line.

## Reasons

### *Principle of Development*

4. The appeal site is an area of land that lies on the opposite side of the East Coast Main Line (the ECML) to Alne Station. There is an existing dwelling, Lane End Farm, just to the south on the same side of the ECML as the site.
5. To reflect national planning policy for rural housing, subject to certain criteria being met Policy HG5 of the Hambleton Local Plan, adopted 2022 (the Local Plan), allows for housing development on a site adjacent to the built form of a defined village, which Alne Station is, being a small village in the settlement hierarchy set out in Policy S3. The supporting text of the policy clarifies that for a proposal to be supported, it is required to be located immediately adjacent to the main built form of a village.

6. Policy S5 of the Local Plan sets out the approach to development in the countryside. It defines the built form as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them but excludes any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement.
7. The site is relatively close to the built form of Alne Station in terms of direct distance. However, the ECML forms a permanent and substantial physical and visual barrier between the site and the main built form of Alne Station. As a result, the site appears as clearly separate from the village rather than adjoining it. In my view, it would not therefore be classed as 'immediately adjacent' to the main built form of Alne Station.
8. The postal address of the site and other properties further to the north may well be Alne Station. However, postal addresses are not directly relevant to determining whether a site lies immediately adjacent to the built form of a settlement under the terms of Local Plan Policy HG5.
9. The proposal at Lane End Farm highlighted by the appellants related to an extension of the existing dwelling including through the incorporation of outbuildings. It did not involve the principle of a new dwelling. In addition, the application was determined prior to the adoption of the current Local Plan. The appellants contend that the Station Inn, caravan park and Sowerton Farm are part of Tollerton despite being beyond the railway line. However, the evidence indicates that these have been in place for some time, and prior to the adoption of the current Local Plan. Furthermore, the Council identifies a recent planning application<sup>1</sup> for a dwelling beyond the railway line but closer to the main built form of Tollerton than the Station Inn, caravan park and Sowerton Farm that it could not support. I cannot therefore draw any direct comparisons from these examples that would weigh in favour of the proposed development.
10. Consequently, the provisions of Policy HG5 would not apply to the proposal. It would therefore fall to be considered under the terms of Policy S5. This policy only supports development in the countryside where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
11. The Local Plan sets out a development strategy. It seeks to focus new development in accessible locations with good access to services, facilities and public transport in accordance with the settlement hierarchy defined in Policy S3. In addition, Policy S1 of the Local Plan sets out a number of sustainable development principles. These include meeting development needs through sustainable development that supports existing communities, minimising the need to travel, ensuring that development seeks the reuse of previously developed land and supporting development that minimises greenhouse gas emissions. The National Planning Policy Framework (the Framework) seeks to achieve sustainable development, with paragraph 8 setting out that the planning system has three overarching economic, social and environmental objectives to achieve this.

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<sup>1</sup> Application reference 22/00773/OUT

12. The proposal would have economic and social benefits. It would contribute to the supply of housing, with associated benefits such as employment during construction and additional residents that would support local shops, businesses and community facilities. However, the benefits stemming from one dwelling would be limited.
13. Alne Station has very limited services and facilities. The larger secondary village of Alne is not far in distance terms. However, notwithstanding the presence of a pavement along the road between Alne Station and Alne, the unlit nature of the road and lack of pavement from the proposed site access to Alne Station would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather. Future occupiers of the proposed dwelling would therefore be reliant on a private motor vehicle to access day to day services. While recognising that opportunities for sustainable transport solutions varies between rural and urban areas, the proposal would not support the locational aims of the Local Plan or the Framework to avoid unsustainable patterns of development.
14. The Framework advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. While giving some limited weight to the benefits associated with one dwelling, they are not sufficient to outweigh the conflict with the development plan in this instance, even were I to consider the site as previously developed land.
15. I therefore conclude that the principle of the proposal with regard to its location would not be acceptable as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such, it would conflict with the requirements of Policies S1, S3 and S5 of the Local Plan and the objectives of the Framework, the most relevant of which have been summarised above.

#### *Character and Appearance*

16. The proposed dwelling, in particular the north elevation, would be visible from the nearby road, especially when approaching the settlement from the north. Although the intervening vegetation would provide a degree of screening, this would be less so during the winter months.
17. The tradition of reducing the size of the opening on north elevations referred to by the Council is not readily apparent in the nearby built form. Nevertheless, although properties within the vicinity of the site are of a varied design, they are generally of a traditional form.
18. There would be extensive glazing on the north elevation of the proposed dwelling. The large windows with Juliet balconies at first floor would not be reflective of the character of nearby properties and would appear as an incongruous feature. While a number of nearby properties have sliding glazed doors at ground floor, these are generally not as large as the two bi-folding doors proposed. Overall, the fenestration on this side of the proposed dwelling would add visual clutter on what would be a prominent elevation, would result in an elevation composition that would not harmonise with the more traditional local vernacular within the area and would contrast markedly with the simpler style of the other elevations proposed.

19. Elements of the design, including the proposed materials and fenestration to the other elevations, would generally be in keeping with the local vernacular. The concerns therefore relate principally to a single elevation. Nonetheless, even relatively small design elements can erode a development's ability to contribute to distinctive, high quality and well-designed places.
20. Consequently, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policy E1 of the Local Plan, which expects development to be of a high quality, respond positively to its context and respect and contribute positively to local character, identity and distinctiveness amongst other matters.

#### *The ECML*

21. The proposed dwelling and its outdoor amenity area would be in proximity to the ECML. This is a busy rail line which carries fast moving passenger services for much of the day and into the evening and night-time periods as well as freight trains. During my site visit I observed a number of trains on the ECML. Although the trains passed by in a short period of time, the noise level was substantial.
22. I acknowledge that there is no objection from the Council's Environmental Health Officer, although the consultation response from Network Rail states that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising and consequently, every endeavour should be made by the developer to provide adequate soundproofing. I also note the appellants' statement that the Council did not raise concerns about noise from the ECML when considering the proposed extension to Lane House Farm.
23. Nevertheless, given the proximity to the ECML, and in the absence of any noise assessment to establish the background noise levels and therefore whether any mitigation would be required, such as sound proofing or acoustic fencing, I cannot be satisfied that the proposed development would provide acceptable living conditions for future occupiers. Furthermore, as I have no substantive evidence to indicate that suitable mitigation could be achieved, it would not be appropriate to leave this matter entirely to conditions.
24. I therefore conclude that it has not been demonstrated that the proposal would provide acceptable living conditions for future occupiers with regard to noise from the ECML, contrary to Policy E1 of the Local Plan, which supports proposals which do not have an unacceptable impact on the amenities of future occupiers amongst other considerations.

#### **Conclusion**

25. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

*F Wilkinson*

INSPECTOR