



Appeal Decision

Site visit made on 25 January 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/G2713/W/22/3305058

Land west of Bell Lane, Bell Lane, Huby YO61 1YA

- 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 Shorrocks against the decision of Hambleton District Council.
 - The application Ref 21/01775/OUT, dated 13 July 2021, was refused by notice dated 13 May 2022.
 - The development proposed is the construction of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with access to be considered at this stage. I have determined the appeal on this basis. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.
3. A revised site plan 104-103B/2 was provided to, and considered by the Council, during the course of the application, which altered the layout, access and parking arrangements for the proposal. I have determined the appeal based on these revised plans as I am satisfied that no parties would be prejudiced, noting its indicative status in any event.

Main Issue

4. The main issue is whether this is a suitable location for new housing, having regard to the area's development strategy and the effect of the proposal upon the character and appearance of the area.

Reasons

5. Policy S3 of the Hambleton Local Plan, Adopted February 2022 (LP), provides the strategy for the spatial distribution of new development for the area, in order to deliver a sustainable pattern of development. Huby is defined therein as a 'Service Village' where limited development will take place in the settlement, that helps to maintain the sustainability of rural communities and to address housing requirements.
6. LP Policy S5 seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside and defines the countryside as land outside the existing built form of a settlement. The 'built

form' is defined as the closely grouped and visually well related buildings of the main part of a settlement and land closely associated with them. It excludes individual buildings, groups of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement, or where ribbon development is attached to the main part of the settlement, but it relates more to the surrounding countryside.

7. LP Policy HG5 sets out the criteria for considering housing development on unallocated or 'windfall' sites. Such proposals will be supported within the main built form of a Service Village, or adjacent to the built form of a Service Village, subject to meeting a number of criteria. Whether the appeal scheme lies adjacent to the built form of Huby village is a matter of dispute between the parties.
8. The main part of Huby village, lies predominantly along Sand Lane, Main Street and Baston Lane, where the built form is provided by a continuous pattern of development fronting onto the main thoroughfares in a relatively close knit and visually well related form. This pattern of development continues along the initial section of Bell Lane up to West Villas and Walton Close, where closely grouped housing faces either directly onto Bell Lane itself, or onto these two cul-de sacs.
9. Beyond this point, travelling south along Bell Lane towards the appeal site, the character of the area changes. The highway is bound mostly by hedgerow, with open fields visible to either side. To the east of Bell Lane, only the odd dwelling is visible. To the west, there is a loose, adhoc arrangement of well-spaced dwellings, set within large gardens with mature landscaping and trees, providing glimpsed views to fields beyond. In combination, these features contribute to this area having a more open and rural character and appearance, that clearly differs from the closely grouped and visually well related buildings of the main part of the village further north.
10. The appeal site comprises part of the garden of Barn Cottage, containing hedge, lawn and trees. It lies adjacent to Bell Lane, within this area of loosely arranged housing, separated from the built form of the main part of the village by the open fields to either side of Bell Lane. I accept that this area is associated with the village and that the village and services therein would be accessible by foot from the appeal site. However, the area of the appeal site neither forms part of the main built form of the village, nor does it lie adjacent to it. The appeal site and surroundings comprise of sporadic housing, gardens, and other undeveloped land, which relate more in character to the surrounding countryside than to the main part of the settlement. As such, this would not be a location where new housing would benefit from the support of LP Policy HG5 as it would not be within or adjacent to the built form of the village.
11. Consequently, the proposal would not comprise an infill or natural extension of the built form of the village. Rather, it would comprise an encroachment of the built form into the countryside. I appreciate that this is an area of existing housing and that mature trees limit intervisibility with the open fields to the west, nevertheless, the loose arrangement and spacing between dwellings, along with the maturity of trees and vegetation are notable features that contribute to a more rural character and appearance. The introduction of two houses at the appeal site, which would have a limited set back from the road and smaller gardens than those surrounding, would be out of character with

the loose grain, generous plots and spacing between existing housing. As such, the proposal would be harmful to the character and appearance of the area.

12. I note the intention to incorporate a traditional design and materials in the proposed housing, the details of which are not before me at this stage. However, even if a satisfactory design of dwelling was secured, it would not overcome the harm I have highlighted above.
13. I have been provided with information relating to recent planning permissions for housing development near to the site. These include an outline planning permission for five dwellings adjoining Walton Close¹ with a subsequent refusal of a reserved matters application², an outline planning permission on land abutting West Villas³, and full planning permission for a single dwelling on land immediately to the south of the appeal scheme⁴.
14. There is no evidence before me relating to the likelihood of implementation of any of these schemes, particularly those outline permissions that require further details to be approved. Further, the details of appearance, landscaping, layout, and scale are not known for the two outline planning permissions and so it is not possible to fully appreciate the form these two developments would take, or their resulting influence on the character of the area. Nevertheless, even if they were implemented, both outline permissions indicate that a section of open field would remain to either side of Bell Lane, between this new housing and the area of dispersed housing within which the appeal site is located. As such, these approved schemes would not result in the appeal site physically adjoining the built form of the village in any event. Further, these outline schemes would not physically alter the loose grain of development in and around the appeal site, which differs from the closely grouped built form of the main part of the village, and so, this area would retain a different character to that of the main part of the village.
15. With regards to the permission relating to a single dwelling on land to the south of the appeal site, the Council advises that this dwelling was permitted under a different policy regime, in advance of the LP's adoption. Whilst the appellants have suggested that there has been no step change in policy direction, it remains mandatory for me to take account of the most relevant and up to date information in reaching a decision. Moreover, the development plan has statutory status as the starting point for decision-making and I have considered the merits of the appeal on this basis.
16. The appellants suggest that there is no significant difference in character between the appeal site and this adjacent housing plot and highlights the Council's conclusion that this neighbouring proposal would reflect the existing built form and character of this part of the countryside. I have set out my reasoning as to why I consider the appeal scheme would harm the character and appearance of the area. To my mind, the future implementation of this approved single housing plot would not undermine my reasoning. Indeed, the loose grain of development and spacing between existing housing would still be observable in the immediate locality of the appeal site, with this approved scheme.

¹ 20/02217/OUT

² 22/01353/REM

³ 21/00467/OUT

⁴ 21/00181/FUL amended by 21/02598/FUL

17. To conclude on this main issue, the proposed development would not be suitably located with regard to the development strategy for Hambleton and it would result in harm to the character and appearance of the area. It would conflict with LP Policies S3, S5 and HG5, which collectively, and amongst other matters, seek to ensure a sustainable pattern of future development including for rural communities, whilst recognising the intrinsic beauty, character, and distinctiveness of the countryside. Whilst not cited on the decision notice, the proposal would also conflict with LP Policy E1, which seeks to ensure that new development respects and contributes positively to local character and distinctiveness.
18. Further, the proposal would not comply with the National Planning Policy Framework (NPPF), which seeks to ensure that all decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and that new development is sympathetic to local character.

Other Matters

19. Albeit not adjacent to the built form of the village, the appeal site does still relate to it, and so the proposal would increase housing supply and choice within this rural community, whilst providing support for its services and facilities. These services and facilities would be accessible to future residents, given the distance and presence of an existing footpath. I also note the intentions to incorporate renewable energy sources such as air source heat pumps and solar panels into the dwellings. Even so, given the scale of the proposed development, the benefits to be brought about by the provision of new housing and support to the local economy and local community facilities attract modest weight in support of the proposal.
20. The appeal documents indicate that the proposal would comprise of self-build units and that the appellants' children have registered on the Hambleton Self and Custom Build Register. There is support nationally to increase the supply of custom and self-build plots and there is a duty to have regard to the register of those seeking to acquire such plots, as well as to give enough suitable development permissions to meet the identified demand. LP Policy HG2 and the Council's Size, Type and Tenure of New Homes Supplementary Planning Document, Adopted September 2015, provide further support for applications from individuals that will meet their own housing need, providing they comply with other policies of the plan and are of high quality and blend into the existing street scene.
21. I have not been provided with any evidence to suggest that the Council has been unable to issue sufficient permissions to meet the demand for self-build plots, in accordance with the statutory duty. Further, there is no mechanism before me to secure the proposed dwellings as self-build plots. As such, the potential benefit of the proposal specifically catering for people wishing to build their own homes can be afforded only limited weight in support of the proposal.
22. I also attach limited weight to any potentially achievable net-gain in biodiversity as a scheme benefit, due to the development site's modest size.
23. No technical issues have been raised, or any concerns relating to trees, ecology, heritage assets, flooding, contamination, or overlooking to existing residents. I accept that any construction noise and disturbance could be dealt

with through the imposition of a condition to secure a construction management plan. These are neutral matters that do not afford weight, either for or against the proposal.

24. I have been provided with further information relating to sequential assessment and housing mix in response to criteria (a) and (b) of LP Policy HG5. However, it is only necessary to consider whether these criteria are met if a particular development lies adjacent to the built form of a Service Village. As I have concluded that the proposal would not, it is not necessary for me to consider this information further.
25. The scheme's benefits considered cumulatively, do not outweigh the harm and associated policy conflicts that I have identified in relation to the main issue.

Conclusion

26. The proposed development conflicts with the development plan and there are no material considerations, including the NPPF, worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR