



Appeal Decision

Site visit made on 13 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/G2713/W/22/3304618

Land East Of, Former Shorthorn Inn, Appleton Wiske, North Yorkshire DL6 2AF

- 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 James Baker against the decision of Hambleton District Council.
 - The application Ref 22/00331/OUT, dated 10 February 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described as "application for outline planning permission [with all matters reserved except access] for the erection of four dwellings [Use Class C3]".
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Decision

1. The appeal is allowed, and outline planning permission with all matters reserved except access is granted for the erection of four dwellings [Use Class C3] at land East Of, Former Shorthorn Inn, Appleton Wiske, North Yorkshire DL6 2AF in accordance with the terms of the application, Ref 22/00331/OUT, dated 10 February 2022, subject to conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr James Baker against Hambleton District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought with all matters reserved except for access. I have determined the appeal on this basis.
4. The scheme is an outline proposal, nevertheless, illustrative details have been submitted and my assessment has been based on these.
5. The address of the appeal site detailed in the banner heading above is taken from the appeal form.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the surrounding area and whether the appeal is in a suitable location for residential development.

Reasons

Character and appearance

7. The settlement of Appleton Wiske is characterised predominantly by residential properties mixed with buildings providing other facilities and services. The built form of the settlement is not uniformed with residential properties stretching out

along the main roads into the open countryside. There is a mix of architectural styles, scale and form to the existing buildings that make up the settlement. It is this variation in the built development that contributes positively to the character of the area.

8. The appeal site is similar in scale to the site of the Shorthorn Inn directly adjacent and there is an existing residential property to the north of the site beyond Hornby Road. The indicative site plan shows a development layout which would not be out of keeping with the form of the built development in the area. The size of the footprint of the proposed properties would blend in well with the scale of other properties in the settlement.
9. The proposal would result in the loss of a hedgerow however, it is indicated that a landscape buffer and a new hedgerow would be introduced. The proposal would therefore not have an adverse effect on the character of the area or on the appearance of the wider open countryside.
10. It has been described that other developments have been approved and commenced in recent years in the area. Given the form of the existing village and the scale of the proposed development, it would not result in a cumulative effect that would extend beyond incremental growth of the settlement.
11. The proposal, due to its location, form and scale, would not be an incongruous development that detracts from the character, appearance or setting of the village or adversely compromise the open countryside.
12. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal accords with Policies HG5 and S1 of the Hambleton Local Plan 2022 (HLP) which seeks, amongst other things, proposals to represent incremental growth of a village commensurate to its size and scale, not result in loss of important open space and have no detrimental impact on the character and appearance of the village.

Suitable location

13. A sequential approach to site selection was undertaken by the appellant. It was demonstrated that there were no suitable or viable previously developed sites, commensurate to the size of the appeal site, within the settlement of Appleton Wiske. Criteria (a) of Policy HG5 of the HLP is therefore satisfied.
14. The proposal would be suitably located and is in accordance with Policy HG5 of the HLP which seeks proposals for housing development adjacent to the built form of a village to demonstrate a sequential approach to site selection.

Other Matters

15. I have had regard to all representations including the committee minutes and comments from local residents and the Parish Council. Matters raised include identification of Appleton Wiske as a secondary village, lack of a bus service, reference to an Interim Planning Guidance, development proposals at Shorthorn Inn site, housing need, access and highway issues and sustainable development principles. I have given careful consideration to these matters, some of which the Council Officers have not raised any objections on, and some would be capable of being addressed by planning condition or during reserved matters application, but they do not lead me to a different overall conclusion on the main issues.

16. Reference is made to the Appleton Wiske Neighbourhood Plan (AWNP) and the Council note in their Officer Report that the AWP has not been formally adopted. On this basis, I attached no weight to this matter.

Conditions

17. The conditions imposed are those that were submitted by the Council and agreed by the appellant. In the interests of precision and clarity I have undertaken some editing and rationalisation where necessary.
18. Conditions relating to timeliness, the submission of reserved matters, and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of highway safety, conditions are imposed in relation to access, parking, visibility splays and footways. To prevent undue risk to the local environment it is necessary to attach conditions relating to drainage, contamination and biodiversity matters. To safeguard the living conditions of neighbouring occupiers, conditions are necessary in relation to hours of operation and the submission of a construction management plan.
19. A condition has been requested relating to the quantum of development including reference to mix and size requirements as set out in the Housing SPD. This condition is not necessary as the quantum of development is described in the description of development and the mix and size requirements would form part of the assessment at the reserved matters stage.
20. The appellant had requested the condition relating to off-site footways should include reference to plan AMA/21266/SK/001 however this would be unnecessary as the condition adequately describes the requirement for a footway.

Conclusion

21. The proposal would not conflict with the development plan, and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
22. For the reasons given above, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) 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.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 and 3274-DEN-X-XX-DR-A-1000 (with reference to the access).
- 5) There shall be no piped discharge of surface water from the development prior to the completion of surface water and foul drainage works, details of which shall be submitted to and approved by the local planning authority and include separate systems of drainage for foul and surface water on and off site. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the local planning authority in consultation with the statutory sewerage undertaker.

The development shall be constructed in accordance with the approved details.

- 6) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 7) There shall be no excavation or other groundworks (except for investigative works), or the depositing of material on the site in connection with the construction of the access road or building(s), until details of vehicle and pedestrian accesses, and vehicle parking and turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, have been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the approved details have been constructed. These areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) There shall be no excavation or other groundworks (except for investigative works), or the depositing of material on site in connection with the construction of off-site footways until full engineering details of the provision of a footway between the site access to Hornby Road and the extent of the site frontage to the west (adjoining the former Shorthorn Inn public house), including a programme for delivery, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

- 9) There shall be no access or egress by any vehicles between the highway and the site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. These visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 10) There shall be no access or egress by any vehicles between the highway and the site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - (a) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - (b) The parking of contractors' site operatives and visitor's vehicles clear of the highway;
 - (c) Areas for storage of plant and materials used in constructing the development clear of the highway; and
 - (d) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The development shall be undertaken in accordance with the approved details.

- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 13) Prior to any above ground development on the site a biodiversity enhancement and management plan shall be 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 shall be carried out in accordance with the approved details.
- 14) Construction works shall take place only between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.