



Appeal Decision

Site visit made on 24 January 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/G2713/W/22/3306331

Part OS Field 0038, Foss Syke Lane, Sandhutton, North Yorkshire YO7 4RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
- The appeal is made by Mr Wheatley against the decision of Hambleton District Council.
- The application Ref 22/01061/REM, dated 28 April 2022, sought approval of details pursuant to condition No 1 of a planning permission Ref 21/01762/OUT, granted on appeal (Ref APP/G2713/W/21/3284541) on 31 January 2022.
- The application was refused by notice dated 18 August 2022.
- The development proposed is outline planning permission with some matters reserved (considering access) for a development of 5 No. dwellings.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed, and the reserved matters are approved, namely: appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 22/01061/REM dated 28 April 2022 subject to the conditions set out in the attached schedule.

Applications for costs

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

Main Issues

3. As described above, outline planning permission, including approval of the access to the site, was granted on appeal for 5 dwellings in 2022¹. The principle of residential development and the suitability of the access has therefore been established and are not matters before me. The reserved matters application, which is the subject of this appeal, seeks approval for the layout, scale, appearance and landscaping of the development.
4. Based on the local planning authority's reasons for refusal, the main issues in this appeal, therefore, are:
 - the effect of the proposed development on the character and appearance of the site and the surrounding area;
 - whether the development would provide an adequate mix of housing to meet local needs; and
 - the effect of the development on flood risk and drainage.

¹ APP/G2713/W/21/3284541

Reasons

Character and appearance

5. The appeal site is located on the northern edge of Sandhutton on the A167. To the north is an open field, beyond which is the village hall. Sandhutton is a small village characterised by a mix of traditional properties interspersed with more modern development. Traditional buildings predominate along Sandhutton Lane and along the A167 towards the centre of the village. More recent residential development is found close to the appeal site along the A167 and opposite at Cradock Row. Dwellings in the village feature a mix of two-storey and single storey elements. There are numerous courtyards, cul-de-sacs and hidden dwellings behind frontage development throughout the village. Buildings are unified in appearance by red brick, render and pantiles which leads to a pleasing rural character and appearance.
6. The proposed dwellings would be constructed of red brick and pantiles similar to those which surround the appeal site. The layout of the dwellings would contrast with the straight rows of terraced housing opposite on Cradock Row and the bungalows at Thornfield to the south of the appeal site. However, varying roof heights and the use of double height fenestration within the proposed development would soften its impact and it would not appear out of scale or character in the context of the village as whole. The Council's preference would be for a more diffuse appearance to the dwellings. An indicative layout was provided with the outline application for illustrative purposes which showed more generous gaps between the properties than the appeal before me. Nevertheless, in the context of a rural village comprised of houses of varying architectural styles and scale the proposal would be consistent with the prevailing mixed pattern of development.
7. The proposal includes a wide landscaping strip to the north of the access which would be bounded by a native hedge and would include several trees. The landscaping strip would serve to soften the impact of the transition between the edge of the proposed development and the open fields beyond in the long term. Whilst I appreciate this would take some time to mature, it would in the medium to long term provide adequate mitigation for the limited visual impact that the development would have. I have not been provided with any compelling evidence that this area would be within the sole ownership of one of the dwellings and have no reason to doubt that that it would not be managed appropriately. I have therefore imposed revised and appropriately worded conditions to ensure that the landscaping is implemented and managed appropriately.
8. For the reasons given, I therefore conclude that the proposed development would successfully integrate with its surroundings and reflect the character and appearance of the area, would not be incongruous in its context at the edge of the village nor adversely compromise the open countryside surrounding two sides of the site. The proposal therefore accords with policies S1, S5, E1 and E7 of the Hambleton Local Plan 2022 (HLP) which in summary, require new development to demonstrate high quality design and reinforce local distinctiveness. The proposal would also not conflict with the design aims of the National Planning Policy Framework (the Framework).
9. The reason for refusal also cites HLP policy S3 which is concerned with the spatial distribution of development in the district. As the principle of

development is already established by the outline planning permission this policy is not relevant to the determination of the appeal and I have therefore ascribed it limited weight.

Mix of housing

10. The outline planning permission was granted prior to the adoption of the HLP and updated Size, Type and Tenure of New Housing Supplementary Planning Document (SPD) in 2022. Condition 5 of the outline planning permission requires that the size of each dwelling meets both the standards set out in the Nationally Described Space Standards (NDSS) and the requirements of the SPD 2015.
11. Policy HG2 of the HLP sets out the current preferred housing mix in residential schemes in the district, and the proposed development broadly reflects that requirement. Furthermore, the proposed houses exceed the standards set out in the NDSS. The SPD has since been updated and notably, has removed the threshold of 25 dwellings which requires developments to provide an appropriate range and mix of dwellings.
12. The council has suggested that the proposal does not meet the aims of policy HG2 (f) and the SPD to provide smaller homes in the district. Nevertheless, they have indicated that they are satisfied that the mix provided within the proposed development of one 2-bed, two 3-bed, and two 5-bed dwellings is appropriate and similar to that which was indicated at the outline stage. The dwellings also meet the standards set out in the NDSS, which establishes a national minimum space standard for dwellings across all tenures of dwelling.
13. Neither HLP policy HG2 nor the SPD quantify the size of dwellings by any metric other than bedroom size. Therefore, whilst the council consider the proposed dwellings to be excessively large, there is no requirement for floor areas of dwellings to be restricted other than by meeting the minimum requirements of the NDSS. Whilst the SPD sets out the target mix of dwellings, and states a preference for smaller dwellings, this does not also preclude the provision of larger dwellings in the district.
14. Accordingly, the proposal would accord with HLP Policy HG2(f), which requires new dwellings to provide a range of house types and sizes, that reflects the existing and future needs of the district's households.

Flood risk and drainage

15. The appeal before me is for the consideration of Reserved Matters for appearance, landscaping, scale and layout following the consent of outline planning permission. The interpretation of 'appearance', 'landscaping', 'scale' and 'layout' is contained in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Their definitions do not imply that flood risk and drainage matters can be part of any of these Reserved Matters. As a result, flood risk and drainage matters are not relevant to consideration of the application that is subject of this appeal.
16. Site levels in the form of spot heights are indicated on the proposed site layout. These indicate that the majority of the site would be lower than the land surrounding it. Furthermore, flood risk and drainage are controlled by a condition attached to the outline planning permission and requires discharge prior to the commencement of the development. As the appeal before me does

not seek to discharge this condition I do not have detailed drainage information before me.

17. I have no reason, therefore, to conclude that through the implementation of a detailed drainage design as required by condition, the development could not be adequately drained in terms of surface water thereby ensuring that the risk of flooding is not increased as a result of the development.

Other Matters

18. I have carefully considered the representations made with regard to the retention of a historical milepost within the site. The Council considers this to be a non-designated heritage asset (NDHA), the retention of which requires a balanced judgement to be made. Mileposts have cultural and historical interest. As the retention of the milepost would not prejudice the scheme as a whole and would not be overly onerous on the developer, I agree that a suitably worded condition would be appropriate to ensure its retention.
19. I have had regard to the comments made by the parish council and local residents in relation to access to the field from the turning head within the development and the provision of affordable housing. These did not form one of the Council's reasons for refusal. I have no reason to believe that this access would be used for anything other than its stated purpose and I have no substantive evidence before me which would lead me to reach a different overall conclusion on the appeal based on these matters.
20. Concern has been raised regarding highway safety and the principle of development on a greenfield site. The principle of residential development on the site has been established through the outline planning permission, which also included a reserved matter for access. Therefore, these are not matters which I can consider as part of this appeal for the granting of the remaining reserved matters for the proposed development.

Conditions

21. I have carefully considered the conditions suggested by the Council in the light of the Framework and Planning Practice Guidance. A plans condition is necessary and reasonable in the interests of certainty and good planning. So too is a materials condition in the interests of character and appearance, as well as good planning and certainty.
22. I have also imposed a condition requiring retention of the milepost as part of the development. I consider this to be necessary and reasonable in the interests of the appearance of the development and the retention of a NDHA.
23. Having carefully considered the conditions imposed on the outline planning permission, I have revised the wording of condition 13 by way of two conditions relating to landscaping, which I consider to be necessary and reasonable in the interests of the appearance of the development.
24. The Council suggested the removal of permitted development rights within the landscaped area along the northern boundary of the site. I have considered this matter carefully and consider that the imposition of the condition would be unlikely to pass the tests of necessity and reasonableness, respectively.

Conclusion

25. For the reasons given above, having considered the development plan as a whole and having regard to all other matters raised, I conclude that the appeal should be allowed.

K L Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall be carried out on accordance with the following approved plans: 029/01(02)010 B, 029/01(02)020; 029/01(02)021; 029/01(02)022; 029/01(02)023; 029/01(02)024.
- 2) No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site), and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
- 3) A protective area extending 1.5m in diameter, measured from the centre of the milepost shown at the south-east of the site on drawing 029/01(02)010 B, shall be made. Within this area, there shall be no storage of materials and additional development shall not take place within this area without the express written consent of the local planning authority. The milepost shall not be removed or moved from its position as shown within the above plan without express written permission on an application made under Part III of the Town and Country Planning Act 1990.
- 4) No above ground development shall commence until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. Planting schedules including type, height, species, location and quantities of trees and shrubs;
 - ii. Grass and wildflower details including species and sowing rates;
 - iii. means of enclosure and boundary treatments;
 - iv. refuse or other storage units;
 - v. drainage;
 - vi. an implementation, maintenance and management programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE