



Appeal Decision

Site visit made on 21 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/G2713/W/21/3289416

Land to the west of 50-52 Cooper Lane, Potto, Northallerton DL6 3HA

- 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 Alfred Clayton against the decision of Hambleton District Council.
 - The application Ref 21/01457/OUT, dated 11 May 2021, was refused by notice dated 2 August 2021.
 - The development proposed is construction of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the address is 'Cooper Lane, Potto', with the applicant listed as 'Clayton'. This has been clarified on the appeal form to the address shown on the banner heading above, with the appellants listed as Mr and Mrs Alfred Clayton. This is the basis on which I have determined the appeal.
3. The appeal relates to an outline application with all matters reserved, apart from access. An indicative layout has been submitted showing two dwellings located side by side across the longest axis of the site.
4. The Council has referred to a new Local Plan having been adopted following the application being determined and have confirmed that Policy HG5e is relevant to this appeal. The new Local Plan replaces the Council's Local Development Framework and Interim Policy Guidance referred to in the appellant's Statement of Case. However, the appellant also refers to relevant policy in the new Local Plan. Policy HG5 of the Hambleton Local Plan (HLP), 2022, relates to Windfall Housing Development, whilst e) of this policy states that all proposals will individually or cumulatively: 'have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village'.
5. The site has been considered in accordance with Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development has been screened as it is within approximately 1km of the boundary of the North York Moors National Park, which is a designated sensitive area as defined by the EIA Regulations. The site is also within the River Tees Catchment Area, part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), which is a designated sensitive area as defined by the

EIA Regulations. The proposal was found as not likely to result in significant effects on the environment and so is not Environmental Impact Assessment (EIA) development. Therefore, this matter does need to be considered further.

6. As the site is within the River Tees Catchment Area, part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) requires a Habitats Regulations Assessment. I acknowledge the comments made by the appellant regarding Nutrient Neutrality, however, as I am dismissing the appeal, it is not necessary to address this matter.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. The appeal site is located in Potto, which is a small village surrounded by agricultural fields. The site is a grassed, largely rectangular area of land, to the rear of housing along Cooper Lane. There is a public right of way (PROW) which passes through the site providing access to a field to the west.
9. Potto originally developed as a linear village along Cooper Lane and Station Lane, with houses facing towards the road. Later development has included either a more formal arrangement, such as the small development of housing at Cooper Close, or seemingly more sporadic development along short lanes that lie perpendicular to the main road.
10. The appeal site proposes to use such a lane to the north of the site for access. From here the site would be entered through a small area of land adjoining the rear garden of No 48 Potto Lane, whose southern boundary would form the northern boundary of the site. The rear of the two detached dwellings at No 50 and No 52 Cooper Lane would provide the eastern boundary of the site, whilst No 54 Cooper Lane would be located to the south.
11. It has been agreed by both parties that the site is located in the open countryside as there is no development boundary for Potto. The site can be accessed by foot from Cooper Lane along the PROW and once you have passed the entrance to No 48, the site is glimpsed through the field gate and open entrance to the site. Whilst the site is bounded on three sides by gardens, the size and openness of the site provides a different character to that of the built-up area of the village.
12. Although the site could be seen as a natural infill site as it is bounded on three sides by domestic garden curtilages, the appearance of the site is that of a small field or paddock. Whilst the western side of the site has small trees growing along the fence line, these do not appear as a physical boundary demarcating the site from further countryside beyond. Despite the proposal retaining the PROW along its current alignment on the northern part of the site, and the Council's Rights of Way Officer not objecting to the proposal, development on this site would change the way that people experience the PROW. Consequently, the introduction of two houses here, together with associated domestic paraphernalia, would considerably erode the open rural character of the appeal site, harmfully extending the built form into the open

countryside and would be particularly noticeable from the nearby PROW when leaving the village.

13. Whilst the western boundary would align with that of No 60 Potto Lane, some distance to the south of the site, development within No 60 does not extend as far west into the countryside, as plot 1 would. In fact, plot 1 would be in alignment with No 46 Potto Lane to the north, which is located opposite the proposed entrance to the site. However, No 46, despite having other buildings to the west of it, does appear to be an outlier, not reflective of the general layout of housing within the village. It has been described in the officer report for the proposal for one house to the rear of Nos 40 and 42 Cooper Lane¹, submitted by the appellant, as a 'stray' dwelling. Therefore, aligning the proposal with No 46 does not necessarily represent a natural extension of development into the open countryside.
14. The indicative plans shows that two houses could be accommodated within the plot, which would make efficient use of the land. There would also be good standards of separation from neighbouring properties. Whilst there are no details of the scale and character of the proposed dwellings, the indicative drawings show that the dwellings would have gable roofs with dormer windows. This would be appropriate as other dwellings surrounding the site are either traditional houses, or more typically, bungalows and one and a half storey dwellings. It is acknowledged that design and landscaping of the site could be achieved which would be able to respond to the general characteristics of the area.
15. However, where development away from the main street has occurred, it tends to be along small access lanes off the main road, rather than internal private driveways. This development would therefore differ in this respect and would be less reflective of the organic housing development that has resulted on the fringes of the village. Whilst the linear arrangement of housing along Cooper Lane has largely been retained, I noted that housing development to the rear is generally two, or occasionally three houses deep. Although the development of this site would not disrespect this general layout, whilst noting that the western edge of the settlement is not uniform, it would infill a large open area which is characteristic of the open countryside surrounding the village.
16. The existing western boundary of the site, which lies between it and the fields beyond, does not represent a solid landscaped boundary, but a more open, vertical, timber fence. This differs from the close boarded fencing found on the three boundaries of the housing adjoining the site. Therefore, when looking westwards within the site, it appears part of this wider landscape. Infilling the site with housing would therefore not respect the built form and character of the settlement in this location.
17. Consequently, the development of this site would harm the character and appearance of the area. Whilst the proposal was refused under policies in the previous development plan, both the Council and the appellant have referred to Policy HG5e of the HLP in their statements. I understand that the Inspector examining the Council's Local Plan considered Policy HG5 as one of the policies fundamental to the Plan's strategy to allow housing growth in the rural areas. However, Policy HG5 has a number of components, and I have focused on the particular part of the policy which is e) that relates to the effect of the

¹ 20/02290/OUT

development on character and appearance. The proposal would therefore not accord with Policy HG5 e) of the HLP.

Other Matters

18. Whilst the appellant has stated that Potto has not accommodated any significant level of growth in recent years, they have provided details of recent planning permissions for a further four houses. The single dwelling to the east of No 46 was considered as part of a cluster settlement by the Council who supported small scale housing development in this location. Three further dwellings have been permitted at The Old Orchard². Details of this case provided by the appellant suggest that like the appeal site, it would be surrounded by existing development on three sides. However, the character of this site which is more clearly defined on the fourth side, is more enclosed by buildings and its surroundings and does not have the open characteristics of the appeal site. Therefore, I do not find that the comparison provides compelling evidence which supports this appeal.
19. The appellant has also mentioned that they are aware of development which has been permitted under the previous Interim Policy Guidance, used in the refusal reason for this site, that has had a far weaker relationship with the existing built form of the settlement, than this site. The appellant has not, however, provided examples of these cases which would allow me to compare them with this site.
20. Paragraph 68 of the National Planning Policy Framework (the Framework) advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and paragraph 79 states that housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the proposal might provide support for local services and could be accommodated by local infrastructure, the Council has not commented on the need for further housing within Potto. The construction of two houses would, however, contribute to housing supply and provide local economic and social benefits which I give some weight to.
21. Amenity and highway safety matters are not matters of dispute between the parties, whilst it is acknowledged that Potto has local bus connections. It is recognised that if the appeal properties were to be self-build, no Community Infrastructure Levy would be payable. Whilst flood risk and drainage have been considered, and there are opportunities for sustainable construction to reduce carbon emissions and improve energy efficiency, these matters are of limited weight.
22. A Preliminary Ecological Appraisal of this site was undertaken. Notwithstanding the site being within a sensitive area and within a SPA, the site has no landscape designations and there are no trees on the site. Potto also has no conservation areas, and there are no scheduled ancient monuments or listed buildings adjacent to the site. These are however neutral matters which do not lead me to a different conclusion.

² 21/01824/OUT

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
24. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR