



# Appeal Decision

Site visit made on 8 June 2023

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 July 2023**

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**Appeal Ref: APP/G2713/W/23/3316191**

**Land to East of Esk Dale, Raskelf, York YO61 3SD**

- 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 P Ruddock & Mrs P Brown against the decision of Hambleton District Council.
  - The application Ref 21/03003/OUT, dated 17 December 2021, was refused by notice dated 23 November 2022.
  - The development proposed is described as 'construction of a detached bungalow and garage (self-build)'.
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## Decision

1. The appeal is allowed and planning permission is granted for construction of a detached bungalow and garage (self-build) at Land to East of Esk Dale, Raskelf, York YO61 3SD in accordance with the terms of the application, Ref 21/03003/OUT, dated 17 December 2021, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. The planning application was determined by Hambleton District Council, however, following local government re-organisation, this is now North Yorkshire Council. Nevertheless, as the original decision maker, I have referred to Hambleton District Council in the above details. The status of the adopted development plan for the area is unchanged.
3. 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.

## Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

## Reasons

5. Raskelf is defined as a Secondary Village within policy S3 of the Hambleton Local Plan, Adopted February 2022 (LP), which provides the strategy for the spatial distribution of new development for the area. Limited development is expected to take place in such settlements, that helps to maintain the sustainability of rural communities and to address housing requirements. The main parties agree that the appeal site lies adjacent to the village. LP Policy

- HG5 sets out the criteria for considering housing development on unallocated or 'windfall' sites adjacent to the built form of a village. With regards to this policy, the main parties are in dispute with regards to criteria (d) and (e).
6. The appeal site comprises part of a paddock that lies to the rear of four bungalows that front onto Raskelf Road. Further housing lies to the northwest, along Back Lane, a short cul-de-sac extending from the same road. To the south-east is the remainder of the paddock with open fields beyond, with grazing land and agricultural buildings to the north-eastern boundary.
  7. The paddock itself, which is private land, is not highly visible in public views from the village. It is screened by the bungalows along Raskelf Road and their associated fencing. However, in its undeveloped state, it makes a modest contribution to a more open character beyond these bungalows, which allows an appreciation of the relationship of this rural village to its countryside setting, when viewed from the highway.
  8. However, existing built development around the paddock is also visible from Raskelf Road, including the domestic garages to the rear of the bungalows and the housing extending along Back Lane. Within this setting, the addition of a single bungalow, set between these existing buildings, would not materially diminish this sense of openness. As such, the appreciation of the village in its rural context would not be harmed by the loss of open space resulting from the proposed development.
  9. Whilst there is a predominant north-east to south-west linear alignment of built form within the village, additional housing does extend northwest and southeast also, along Raskelf Road and West Moor Lane. Some development in the village extends off these main roads along cul-de-sacs, such as Back Lane (adjoining the appeal site), and Moorfields, which extends off West Moor Lane. Whilst these cul-de-sac developments may be served by their own roads, nevertheless, they do not follow a linear pattern of development. Further, there are numerous examples of dwellings constructed to the rear of frontage properties also, particularly to the northern side of North End, for example, at the rear of Three Tuns Cottage, Rosedene, Old Farmhouse Cottage and Pear Tree House, none of which follow a linear form.
  10. I appreciate that these examples may have arisen under differing circumstances to the appeal scheme, including consideration under a different planning policy context. Nevertheless, they form part of the established character of the village. Noting this, and that the proposed dwelling would be seen in context with the existing housing that extends back from the main road to the north, the proposed development would not extend the village in a manner that would be detrimental to the form and character of the village.
  11. As such, the proposal would not result in harm to the character and appearance of the area. The proposal would comply with LP policy HG5, which, amongst other matters, requires that new development does not result in the loss of open space that is important to the historic form and layout of the village, and has no detrimental impact on the character of the village or a loss of countryside that makes an important contribution to its setting. It would also comply with LP policies S1, S3 and S5, which collectively, and amongst other matters, seek to ensure that new development is commensurate with the size and character of Secondary Villages, respects and strengthens the distinctive character of the landscape and the form and setting of settlements, and does

not impact detrimentally on the character and appearance of the village or surrounding area.

12. The proposal would meet the requirements of paragraph 130 of the National Planning Policy Framework (NPPF), which requires that new development adds to the overall quality of the area and is sympathetic to local character including the surrounding built environment.

### **Other Matters**

13. LP policy E3 requires all proposals to demonstrate a net gain in biodiversity. A Biodiversity Net Gain Assessment dated January 2023 has been submitted with the appeal. The appellant indicates that a net gain can be delivered through on and off-site planting and the Council suggests a condition to secure this. As such, I am satisfied that the requirements of LP policy E3 can be met.
14. I appreciate that the Council has a 9.9 year supply of housing land. However, it remains a government objective to significantly boost the supply of homes.
15. I have had regard to representations made by the public. As this is an outline application and matters of layout, scale, appearance and landscaping are reserved, the orientation of the building will be a matter for consideration at the detailed stage. Any further development of the paddock for a second dwelling would be subject to a separate planning application and would need to be considered on its individual planning merits. Overshadowing and the loss of a private view resulting from an existing hedge is not a matter for this appeal.

### **Conditions**

16. I have considered the Council's suggested conditions in light of the NPPF and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. I have imposed standard conditions relating to the submission and timing of the reserved matters and the commencement of development, as well as the approved plans.
17. A condition requiring submission and approval of materials to be used in the development is not necessary as appearance is a reserved matter. Access details have been considered at this stage and so a condition securing this detail is unnecessary also. Parking and turning arrangements can be considered at the reserved matters stage when details of layout will be sought for approval.
18. For the proper functioning of the proposed development, drainage details should be agreed. In the interests of highway safety a Construction Method Statement should also be agreed. To ensure the risks from unexpected land contamination are minimised in the interests of health and the water environment, I have included a condition in this regard. In the interests of the character and appearance of the area, finished floor levels should be provided for approval.
19. As landscaping is a reserved matter, it is not necessary to condition the submission of a landscaping scheme for approval. Both parties agree that a biodiversity net gain can be achieved through additional planting, albeit this may involve land comprising the remainder of the paddock, which falls outside the appeal site, but is within the appellant's control. As this would entail more than the landscaping of the appeal scheme, a condition is imposed to secure

this. However, the 10% increase suggested by the Council is not a policy requirement, and so I have amended the condition accordingly.

20. I have not included a condition removing permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 for upward extensions, on the basis that scale is a reserved matter for future approval. The Council can consider the need for such a condition at that stage.

### **Conclusion**

21. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

*S Brook*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the layout, scale, appearance and landscaping (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.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Ordnance Survey, Drawing No 2 Revision A Proposed Block Plan.
- 5) The dwelling hereby permitted shall not be occupied until works for the disposal of foul sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
  - i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) areas for storage of plant and materials used in constructing the development clear of the highway;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) In the event that unexpected contamination is found at any time when carrying out the approved development, all works shall cease and the local planning authority shall be notified in writing immediately. No further works shall be undertaken until a risk assessment has been 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.
- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No development shall commence until a biodiversity net gain scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details to show how a net gain in biodiversity will be achieved for the development hereby approved, using the DEFRA biodiversity metric 3.1 (or the latest published version) and shall include a programme of work for implementation of the approved scheme and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.