



Appeal Decision

Site visit made on 27 June 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/E2001/W/23/3319067

Land to the North of Barmby Road, Pocklington

- 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 Oliver Fielder against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/00762/OUT, dated 3 March 2022, was refused by notice dated 27 September 2022.
 - The development proposed is 1 no. self/custom build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposal having regard to the development strategy for the area.

Reasons

Development Strategy

4. Policies S3 and S4 of the 2016 adopted East Riding Local Plan Strategy Document (the Local Plan) set out the development strategy for the area. This is based on a settlement network to direct most new development to areas where there are services, facilities, homes and jobs and where it can be served by the most sustainable modes of transport.
5. The appeal site is located on the edge of Pocklington, adjacent to its defined development limit. It forms an open and undeveloped area of land which represents a clearly defined transition point between the built form of the settlement and the open countryside. For development plan purposes, the site is within the Countryside and is subject to the requirements of part C of Policy S4, which supports residential development in the Countryside only in limited circumstances.
6. No specific policy support is given for self/custom build housing in the Countryside. However, it could be developed in the Countryside if it falls within the types of housing supported in part C of Policy S4.

7. The proposal is not for a conversion or replacement dwelling. There is no evidence to indicate that it would be for an agricultural, forestry or rural worker or a dwelling of exceptional quality or truly outstanding innovative design.
8. Part C of Policy S4 allows for affordable housing for local people. The appellant states that the proposed dwelling would be an entry-level home as they are a first-time buyer, and so the site represents an entry-level exception site as defined in paragraph 72 of the National Planning Policy Framework 2021 (the Framework). Paragraph 72 states that such sites should comprise entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of the Framework. However, there is no evidence to demonstrate that a mechanism to secure the necessary reductions in market value or rent would be in place, or to ensure that the dwelling would fall within the scope of other affordable routes to home ownership.
9. Consequently, on the basis of the submitted evidence, the proposed development would not fall within the categories specified in part C of Policy S4.
10. The Council's officer report identifies that as at April 2021¹ there was a 10.4 years supply of deliverable housing sites across the authority area, with its appeal statement highlighting that at the last review it was still over nine years. This information is not specifically contested by the appellant. Amongst other things, policies for the supply of housing are therefore up to date and the presumption in favour of sustainable development in paragraph 11 d) of the Framework does not apply.
11. Given the proximity of other development to the appeal site, it would not be isolated in the sense referred to in paragraph 80 of the Framework. The site is reasonably close to the services and facilities within Pocklington which is defined as a Town in Policy S3 of the Local Plan. Nevertheless, being located within the Countryside and outside of the development limits of Pocklington, the proposal would represent a clear conflict with Policies S3 and S4 of the Local Plan which together seek to focus new development within the development limits of existing settlements.
12. The Framework states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is a matter to which I now turn.

Other Considerations

13. The appellant argues that the proposal would meet a local need for self/custom build dwellings. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted with the appeal. It requires that the property is only to be developed for self or custom housebuilding as defined in the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act) and occupied as such for a period of three years from first occupation.
14. The Act imposes certain duties on local planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self/custom build site. The Act also includes a duty to grant planning permission. This requires that authorities must give suitable

¹ 2021 Housing Land Supply Position Statement

development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

15. The appellant contends that demand for this type of housing has been underestimated as the Register is not well known. Correspondence with two local estate agents/property consultants has been provided in support of this position, which also include statements about the interest in such sites that they have experience of in the general area. I note the low awareness of the Register amongst the people asked in the on-street survey undertaken by the appellant. However, it would not be unreasonable to consider that people who are genuinely interested in undertaking a self/custom build project would do some research on the matter and so their awareness of the Register would likely be greater than that of the general public.
16. The evidence provided by the appellant suggests that the Council monitors the Register on a continuing basis and information is updated as appropriate throughout the year. Notwithstanding these arrangements, I accept that some people may not be aware of the Register or may choose not to be included. Consequently, it is not unreasonable to consider that the demand for self/custom build dwellings could be higher than that registered. Nevertheless, the approach taken by the Council of considering the position on a district wide basis due to the low number of people on the Register, which the evidence before me identifies as only 60, even allowing for some under estimation, does not appear as unreasonable.
17. Turning to supply, the Planning Practice Guidance states that the relevant authority must be satisfied that development permissions being counted meet the legislative requirements. The Council's position is that sufficient sites have been permitted to fulfil its duty over the last three years (as at the time of the officer report) through housing schemes coming forward in accordance with the development plan. The appellant argues that many of the permissions relate to larger housing schemes progressed by larger house builders and highlights an edge of settlement unallocated site allowed on appeal² which did not provide any self/custom build plots. However, the submitted evidence sets out that the Council assesses the supply of plots for such development by reference to its database of planning permissions relating to single plots or very small-scale developments.
18. The Act clarifies that development permission is 'suitable' if it is permission in respect of development that could include self-build and custom build housing. Therefore, while some of the housing schemes indicated by the Council may not be specifically restricted to self/custom build housing, that does not mean that someone on the Council's register could not acquire a plot to construct this type of unit.
19. The Council is not required to have specific policies for self/custom build housing, although it is required to have policies that seek to meet the differing housing needs of the area. While there may not be a specific policy relating to self/custom build housing, such housing would be one of the types of development falling within the remit of the general housing policies of the Local Plan, including Policy H1. This policy seeks to provide a mix of housing taking into account current need. Policy H1 allows for developments that would be suitable for self/custom build housing albeit that this is not explicitly stated. In

² APP/E2001/W/20/3259564

addition, the Council highlights that the Local Plan enables small infill development in towns, which would include Pocklington, and villages.

20. It may well be the case that the emerging Local Plan includes no allocations in Pocklington or allocations on small sites of less than one hectare, or any specific provision for self/custom build housing. However, these are matters that would be addressed through the examination of the Local Plan.
21. Overall, from the submitted evidence, it is not possible for me to conclude that the Council is not meeting its obligations under the Act to provide planning permissions to meet identified demand. In such circumstances, the fact that the proposal would deliver a self/custom build house carries only limited weight in its favour.
22. My attention has been drawn to an appeal decision³ which the appellant contends has similar circumstances to this proposal. The site in that case was in a different Council area and I have no information on the development plan policies other than that they were silent on the matter of self-build housing. The proposal was for nine self-build dwellings and there was a significant shortfall in the delivery of self-build housing which are factors that weighed heavily in favour of the development. It is not therefore directly comparable to the circumstances of this appeal. In any event, I have determined this appeal proposal on its individual planning merits based on the evidence before me.

Balance and Conclusion

23. The proposal would add to the mix of housing in the area and would contribute to housing supply. However, I do not afford such benefits very significant weight in the context of the local planning authority being able to demonstrate more than a five-year supply of deliverable housing sites. While the housing land supply figure is not an upper limit, this does not add significant support given the number of dwellings proposed.
24. The site is not within or adjacent to a designated site and there are no technical objections to the proposal. Nevertheless, a lack of harm is neutral in the balancing exercise.
25. While giving some positive weight to the benefits associated with one dwelling, this is not sufficient to outweigh the conflict with the development plan in this instance. I therefore conclude that the appeal site would not be a suitable location for the proposal as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy.
26. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR

³ APP/W0530/W/19/3230103