



Appeal Decision

Site visit made on 13 July 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07th August 2023

Appeal Ref: APP/G2713/W/23/3317158

Former Manor Farm, Balk YO7 2AJ

- 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 Kevin Baker of K Baker Design & Development Ltd against the decision of Hambleton District Council.
 - The application Ref 22/01864/OUT, dated 9 August 2022, was refused by notice dated 9 February 2023.
 - The development proposed is demolition of existing barns and outline application for 3 no. bungalows with access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Hambleton District Council has merged with a number of other councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced.
3. The application was submitted in outline with appearance, layout, scale and landscaping reserved for future consideration. I have determined the appeal on this basis, treating supporting plans other than those relating to access as illustrative.

Main Issue

4. The main issue is the principle of the proposal having regard to the development strategy for the area.

Reasons

Policy Context

5. Policy S5 of the 2022 adopted Hambleton Local Plan (the LP) sets out the approach to development in the countryside. It defines the countryside as land outside of the existing built form of a settlement identified in the settlement hierarchy as set by Policy S3 of the LP. Policy S5 defines the built form as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them but excludes agricultural buildings on the edge of the settlement.
 6. The appeal site lies on the western edge of Balk and comprises five agricultural buildings. Having regard to the definition in Policy S5, the site would not be classed as part of the built form of Balk.
-

7. To reflect national planning policy for rural housing, subject to certain criteria being met, Policy HG5 of the LP allows for housing development on a site adjacent to the built form of a defined village, which Balk is, being a small village in the settlement hierarchy set out in Policy S3. The supporting text of the policy clarifies that for a proposal to be supported, it is required to be located immediately adjacent to the main built form of a village.
8. The eastern boundary of the site lies beside the dwelling at Manor Farm Cottage and its garden. This property is both spatially and visually well related to the other properties within the settlement, and to my mind, it forms part of the built form of Balk. In my judgement therefore, the fact that the site lies immediately adjacent to Manor Farm Cottage means that it would fall within the scope of Policy HG5 of the LP.
9. The Council raises concerns over compliance with certain criteria in Policy HG5. Although not specifically referenced in the reason for refusal, concern has been raised in the Council's appeal statement about housing mix in addition to the effects on the character and appearance of the area and scale of development.

Housing Mix

10. The Council's 2022 Housing Supplementary Planning Document (the SPD) advises that the housing mix should comprise mainly two- and three-bedroom dwellings. The indicative layout and elevation plans submitted with the appeal show four-bedroom bungalows which the Council highlights have a floor space greater than that set out in the Nationally Described Space Standards. While appreciating the Council's concerns that these factors may mean that the proposed dwellings would be unaffordable to households with median disposable incomes, these plans have been submitted for illustrative purposes only. Matters relating to appearance and scale are reserved for future consideration. The appellant would not therefore be held to those indicative plans.
11. Furthermore, with the caveat noted above regarding scale and appearance, the description of development on the application form identifies that the dwellings would comprise bungalows. The SPD identifies that Hambleton has a very low proportion of bungalows within its existing stock, and while bungalows should normally be two-bedroom, some three-bedroom bungalows of an appropriate size will also be supported where they meet an identified need.
12. Based on the submitted evidence, there appears to be no reason why the future consideration of appearance and scale could not secure a mix of houses that would satisfy the requirements of criterion b of Policy HG5 and the guidance in the SPD.

Character and Appearance

13. Approaching from the west, the site is viewed in the context of the built form of the village rather than as part of the open countryside. When viewed from the frontage, the nearest dwellings are evident. When viewed from the east leaving the village the site is seen in the context of the open area opposite. This area has a markedly different character and appearance to the fields that are further beyond the village due in part to the more domestic boundary treatments, the setback nature of the hedge and the adjacent grassed roadside verge which are similar in nature to the layout through the village.

14. I appreciate the Council's point that agricultural buildings are not a discordant form of development in what is a rural landscape. Nevertheless, given the buildings on the site and the areas of hard surfacing, together with the context in which the site is seen as described above, my impression was one of a site on the edge of the settlement rather than of open countryside. In my view, the site does not therefore make a significant positive contribution to the rural setting of the village.
15. The roadside hedge along part of the site boundary would be replanted further back into the site to achieve the required access visibility. Roadside hedges on both sides of the road are a feature on the western approach to the village and ostensibly provide some rural character. However, the affected hedge covers a relatively short length of the site boundary. Furthermore, the position of the replanted hedge, set slightly further back from the edge of the road, would coincide with a similarly positioned hedge on the opposite side of the road at the entrance to the caravan site.
16. Overall, therefore, while the proposal would alter the nature of the site, this would not be detrimental to the character and appearance of the surrounding area or the landscape setting of the village.

Scale of Development

17. The local services in Balk are very limited. However, Policy HG5 does not seek to prevent housing development on this basis or in relation to accessibility by modes of transport other than private motor vehicles. The policy does require that proposals represent incremental growth of the village that is commensurate to its size, scale, role and function.
18. Balk is a small settlement. The Council's evidence identifies that it contains eight properties, while the appellant considers that it contains 11 when The Oaks which lies to the west of the village is discounted. Whichever figure is used, three additional dwellings would represent a substantial increase. In my view, the scale of development proposed would not be proportionate to the size of the settlement. It would go beyond what would represent appropriate incremental growth, given the size, scale, role and function of Balk.
19. I appreciate that in addition to the small number of dwellings, there are also two caravan sites to the north and south of the village, with the one to the north being quite a substantial size. I also note the touring caravans and pod development to the north and west of the site which was granted planning permission¹ in April 2022. However, in my judgement, given the definitions of the built form in the LP, the caravan sites would not constitute part of the built form of the village when considering criterion c of Policy HG5.

Conclusion on Principle of Development

20. While I am mindful of the outline nature of the scheme, on the basis of the evidence before me I am satisfied that the proposal would not have a detrimental impact on the character and appearance of the rural landscape or the setting of the village. I am also satisfied that a scheme could be developed that would provide a suitable mix of housing. However, with three dwellings proposed, I find that the development would not represent incremental growth that is commensurate to the size, scale, role and function of Balk.

¹ Reference 20/00143/FUL

21. Consequently, I conclude that the principle of the proposal would not be acceptable as it would undermine the Council's development strategy. Accordingly, the proposal would conflict with the requirements of LP Policy HG5 as set out above. In doing so, it would fail to meet the requirements of LP Policies S3 and S5 where they require compliance with Policy HG5, and the sustainable development principles in Policy S1. I am not persuaded that there would be a conflict with LP Policy S2 which sets out the Council's housing requirement given my findings on the mix of dwellings and that housing figures are not ceilings. Given my conclusion on the effect of the proposal on the rural landscape and setting of the village, the proposal would not conflict with Policy E7 of the LP which seeks to protect and enhance the district's distinctive landscapes or paragraph 174 of the National Planning Policy Framework (the Framework) which requires decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

22. The proposal would contribute to housing supply. However, I do not afford such a benefit 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 and given the quantum of houses proposed.
23. There would be some economic benefits during construction and occupation, for example via local spend and support given to the use of local services and facilities. However, the weight that I can ascribe them in terms of three dwellings is relatively limited.
24. The proposal would make effective use of a currently unused site, and this weighs positively in its favour. Sustainable construction measures are referenced and could be secured through an appropriately worded planning condition. However, in the absence of precise details, and given that energy saving measures would generally be expected with a new development, I attribute limited weight to this matter.
25. The appellant identifies that there are no designations within the site and a number of LP and Framework paragraphs relating to matters including flood risk, biodiversity including net gain, living conditions, and highways that it is contended the proposal would accord with. While this may be the case, a lack of harm is effectively neutral in the planning balance, and an absence of objection does not in itself render the scheme acceptable.
26. None of the other matters raised alter or outweigh the conflict with the development plan in this instance.

Conclusion

27. The proposal would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR