



Appeal Decision

Site visit made on 11 July 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/G2713/W/23/3318176

Land N23905 2901 to the north of Picton Road, and to the east of Greenleaze, Appleton Wiske, Northallerton DL6 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 & Mrs C Dove against the decision of Hambleton District Council.
 - The application Ref 22/02441/OUT, dated 21 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as 'outline application for the construction of 2 no. dwellings'.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of 2 no dwellings at land N23905 2901 to the north of Picton Road, and to the east of Greenleaze, Appleton Wiske, Northallerton DL6 2AJ in accordance with the terms of the application, Ref 22/02441/OUT, dated 21 October 2022, (and the plans submitted with it), subject to the conditions at the end of this decision.

Applications for costs

2. An application for costs was made by Mr and Mrs Dove against Hambleton District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The planning application was for outline planning permission with all matters reserved. This is confirmed in the appellant's appeal statement, which also describes the site plan as indicative. This is the basis of my determination.

Main Issue

4. The Council no longer defends its first reason for refusal, relating to sequentially preferable sites. I have no reason to disagree with its conclusions. Accordingly, the main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

Character and appearance

5. The settlement of Appletree Wiske is characterised predominantly by residential development interspersed with facilities and services including: a village shop and post office; a primary school; a public house; St Mary's Church and a

Methodist chapel. The built form of this settlement is broadly 'T' shaped, with development extending out along the main roads into open countryside. The buildings in the village are characterised by a mix of architectural styles, scale and forms; it is this variation in the built development that contributes to the character of the settlement.

6. The appeal site is an undeveloped parcel of agricultural land on the eastern edge of the village. It is directly to the north of the highway as it forks heading east out of the village. The site is immediately adjacent to Greenleaze, a bungalow to the west side, and opposite a detached house, Greencroft, which the Council has described as an 'outlier' bordered on two sides by roads out of the village. It is noted that Greencroft is presently situated at the extremity of the village. However, planning permission has been granted for residential development to the south of the appeal site at the former Shorthorn Inn, and immediately to the east of the appeal site at Greencroft. Therefore, Greencroft will no longer be set apart, at the edge of the village, rather it will become integrated with the settlement.
7. Moreover, the appeal site does not extend beyond the village limit as defined by the siting of Greencroft. It also lies on the village side of the speed limit signs which control the speed of traffic entering and leaving the village.
8. Policy HG5: Windfall Housing Development supports smaller scale residential development adjacent to the built form of service, secondary and small villages. Appleton Wiske is classified as a secondary settlement. The small-scale residential development proposed would be closely grouped and visually well related to the built form of the settlement. It would represent incremental growth of the village that is commensurate to its size, scale, role and function- thereby in accordance with requirement (c) of Policy HG5. The development would not harm the character, appearance and environmental qualities of the area. For these reasons, the proposed development would be in accordance with Policy HG5 of the Hambleton Local Plan.
9. Concerns have been expressed regarding the number and scale of other housing developments that have been approved and commenced in the village in recent years. Given the form of the existing village and the scale of the proposed development, it would not result in a cumulative effect that would extend beyond incremental growth of the settlement. It is accepted by the Council that the proposed development is small in scale and as such, would not extend the village beyond its current scale or function as a secondary village, even cumulatively with developed sites or those with extant permission. For these reasons, the small-scale development would be in accordance with Hambleton Local Plan Policy HG5: Windfall Housing Development- and indeed Policy SG3: Spatial Distribution, to which Policy HG5 refers.
10. Whilst all matters are reserved there is nothing to suggest that the proposed development could not assimilate well with the village. Though the proposal lacks full details of the access indicated, there is no objection from the Council to its proposed position. From my assessment on site, I have no reason to disagree with the location. Whilst detailed design considerations would be addressed at reserved matters stage, this development layout would not be out of keeping with the form of the built development in the area. The proposed development would be closely grouped with and visually well related to the neighbouring dwellings. It would harmonise with houses at the settlement edge

and transition from built form to the adjoining countryside- as viewed both from within the village and from the wider landscape. For these reasons, the proposed development would be in accordance with the objectives of Hambleton Local Plan Policy S5: Development in the Countryside.

11. The proposal would not be incongruous development that detracts from the character, appearance or setting of the village or adversely compromise the open countryside. Rather it would help to sustain this rural community- the future occupants of the proposed two dwellings would support the services and facilities in this secondary village. For these reasons, the proposed development is in accordance with the objectives of criteria (e) of Policy HG5 of the Hambleton Local Plan.

Other Matters

12. I have had regard to all representations including the planning committee minutes and comments from local residents and the Parish Council. Matters raised in addition to those addressed in the preceding discussion, include: highway issues and access- which will need to be addressed at reserved matters stage, however I note that the Local Highway Authority did not make any representations at application stage and the Council did not refuse consent by reason of highway safety; the impact of the proposed development on the amenity of both existing neighbours and future occupants will be assessed at reserved matters stage, to ensure that the detailed design and final layout address and mitigate any concerns regarding privacy and overshadowing; no substantive evidence is before me as part of this appeal regarding biodiversity, however a reserved matters application would need to address Local Plan policy requirements for the proposed development to demonstrate biodiversity net gain.
13. I have given careful consideration to these matters, some of which the Council Officers have not raised any objections on, and some would be capable of being addressed by planning condition or during reserved matters application- including access, amenity, design and appearance, scale, layout and landscaping and biodiversity- but they do not lead me to a different overall conclusion on the main issues.
14. Reference is made to the Appleton Wiske Neighbourhood Plan (AWNP). The Council state, in the Officer's report, that the AWP has not been made, which limits the weight I can attribute it.

Conclusion

15. I have found that the proposed development would respect the loose grain character at the edge of the village and the transition from built form to open countryside. It would not harm the character and appearance of the countryside, and it would help sustain local services and the community. There would be no conflict with the development plan when read as a whole.
16. There are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding. Indeed, the Framework indicates that development proposals that accord with an up-to-date plan should be approved without delay. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

17. In the interests of precision and clarity I have edited the suggested conditions. Condition (1) which relates to all reserved matters, is necessary to ensure compliance with Section 92 of the Town and Country Planning Act 1990. Conditions (2) and (3) are statutory time conditions in the interests of timeliness. Condition (4) relates to the approved site location plan to provide certainty. Condition (5) is necessary to secure effective drainage and its maintenance, to prevent undue risk to the local environment and in the interests of maintaining public health and flood prevention. Condition (6) relates to contamination and is necessary to prevent undue risk to the local environment.
18. Conditions have been requested relating to access, visibility splays, parking and construction management. The planning application was for outline planning permission with all matters reserved, including access. As such submitted plans were indicative only. In the interests of highway safety, such matters will be assessed at the reserved matters stage and conditioned as reasonable and necessary.

N Kempton

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (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 plan: Site Location Plan 1:1250.
- 5) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment 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.

END OF SCHEDULE OF CONDITIONS