



# Appeal Decision

Site visit made on 3 October 2023

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> October 2023**

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**Appeal Ref: APP/G2713/W/23/3320769**

**Land to the south of the Old Forge, Exelby Village DL8 2HD**

- 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 James Knight of Bennett Knight Ltd against the decision of Hambleton District Council.
  - The application Ref 22/02728/OUT, dated 23 November 2022, was refused by notice dated 1 March 2023.
  - The development proposed is outline application for the erection of 4no dwellings with all matters reserved except access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Hambleton District Council has merged with several 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. I have determined the appeal on this basis.
3. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.

## Main Issue

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

## Reasons

5. The appeal site is on the western edge of Exelby. The village is described as lying within the Leeming Corridor Landscape Character as set out in the 2016 Hambleton Landscape Character and Sensitivity Study (the LCSS). The LCSS identifies the key characteristics of the area as including a varied topography, gently undulating throughout; intensive arable farmland is prevalent throughout, typically in a large scale field pattern with hedgerows marking boundaries.
6. These characteristics are apparent within the vicinity of the site. The landscape is gently undulating, built development sits within a rural, agricultural landscape where there is a varied field pattern often bounded by hedgerows.

7. Exelby is a small village that has a predominantly linear form. Although the properties on Exelby Close have developed behind the road through the village, the mainly west-east linear form of the village is clearly retained. While plot sizes and precise extent of setback vary, this frontage type of development with spacious rear gardens contributes positively to a clearly rural village with a distinct identity, notwithstanding that there is no in-depth description in the Council's 2018 Settlement Character Study, that the village is not a conservation area, or that the buildings vary in design.
8. The site is adjacent to the built form of Exelby. However, it lies clearly beyond the well-defined hedge and tree line that runs west to east along the rear boundaries of the dwellings and gardens that face onto the road. This feature forms a visual and physical boundary between the built form of the village here and the fields and paddocks beyond that provide a pleasant rural setting to the village, and marks a transition from village to countryside. There are a limited number of structures in the area beyond the hedge and tree line in the vicinity of the site. However, these are small scale and of an agricultural appearance and so do not appear out of keeping with their rural setting.
9. In my judgement, the site is recognisably part of the open countryside. As such, the proposal would visually extend built development into the open countryside. Views of the proposed development would be relatively localised. Scale, layout, appearance, and landscaping are reserved for future consideration. Nevertheless, the proposal would be clearly visible from the lane immediately to the west which is also a Public Right of Way (PRoW). Although in some views it would be seen against the backdrop of existing development, from other vantage points here it would be seen as intruding into the open and rural character of the surrounding area.
10. Vantage points further to the west would be limited mainly due to the screening effect of intervening vegetation. Nevertheless, where the development would be visible, such as from certain points along Lord's Lane, it would be seen as extending the built form into the rural setting of the village. However, I acknowledge that the number of receptors using Lord's Lane would likely be relatively limited.
11. The development would have the characteristics of a backland development which would be experienced in vantage points along the road through the village and in views from the lane/PRoW to the west. Although the properties on Exelby Close add some depth to the village, the prevailing pattern of development nevertheless remains one of single tier frontage development. The proposal would introduce a multi-tiered pattern of development that would exude a distinctly more urban quality, uncharacteristic of the prevailing pattern of development and at odds with the rural nature and setting of the village. This would not be adequately mitigated by the existing boundary hedges or additional landscaping.
12. The proposed access would make use of an existing small, gated opening along the lane that runs along the site's western boundary. Alterations to this access point, such as widening, the laying of a consolidated surface and cutting back vegetation along parts of the site frontage to maintain the required visibility splays would have something of an encroaching urbanising effect on this part of the lane.

13. The appellant contends that as the application is outline, the only character feature that should be considered at this stage is the impact of the access. However, the principle of the development is under consideration and while matters of layout, scale, appearance, and landscaping are reserved for future consideration, the effect of a proposed housing development on the character and landscape setting of the village still needs to be considered, in line with Policies HG5 and E7 of the 2022 adopted Hambleton Local Plan (the Local Plan).
14. The proposal would not result in the coalescence with other settlements. However, as noted above, criterion e of Policy E7 also requires proposals to protect the landscape setting of individual settlements.
15. Despite the relatively localised views, the proposed development, in encroaching to the countryside, would have an urbanising effect that would be detrimental to the prevailing open and rural character of the landscape which forms an important part of the character and setting of the village. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area.
16. Consequently, the proposal would conflict with the requirements of Policies HG5 and E7 of the Local Plan. Amongst other considerations these require proposals to 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; and to protect the landscape setting of individual settlements.

### **Other Matters**

17. The appellant identifies that there are no designations within the site and a number of Local Plan and National Planning Policy Framework (2023) paragraphs relating to matters including incremental growth of villages, highway safety, flood risk, living conditions, and biodiversity, 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.
18. The proposal would contribute (numerically) to housing supply on a site on the edge of a defined small village. There would also be social and economic benefits such as construction employment and additional residents supporting local services and facilities. However, I do not afford such benefits very significant weight given the quantum of dwellings proposed.

### **Conclusion**

19. 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 the development plan. Therefore, for the reasons given, the appeal should be dismissed.

*F Wilkinson*

INSPECTOR