



Appeal Decision

Site visit made on 26 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2023

Appeal Ref: APP/U2750/W/23/3325101

Land north of Cradock Row, east of the A167, Sandhutton

- 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 Harry Dee against the decision of North Yorkshire Council.
 - The application Ref 23/00563/OUT, dated 28 February 2023, was refused by notice dated 2 June 2023.
 - The development proposed is Outline planning permission with all matters reserved except access, for 4no. dwellings, associated landscaping and the formation of vehicle access.
-

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Harry Dee against North Yorkshire Council. This application is the subject of a separate decision.

Procedural Matters

3. The planning application is submitted in outline with all, but access reserved for a subsequent reserved matters application. Access details are shown on drawing Nos. 3355-DEN-X-XX-DR-A-1000 Rev B and AMA/21929/SK002 and this will form the basis of my assessment of proposed access. On the same drawings, a possible layout for the dwellings has been shown. However, as the matters of scale, appearance and layout are not being considered I have taken those details into account only in so far as establishing whether or not it would be possible, in principle, to erect residential development on the site.
4. The appellant has submitted a number of revised plans as part of its appeal including, Offset Distance Plan, Indicative Site Plan and Landscape Proposals. As these do not materially change the proposed development and taking into account the outline nature of the proposals then my acceptance of these is not considered prejudicial to any party. I have therefore taken these plans into account in reaching my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is a parcel of agricultural land located to the north of Cradock Row to the northern edge of the village of Sandhutton. With the exception of

the residential properties that sit in a linear row to the south of the site along Cradock Row, the site is otherwise surrounded by agricultural fields and has an overall rural appearance. The A167 runs in a north to southerly direction along the western edge of the appeal site and a tall hedgerow encloses the site, separating it from the main road. This forms a soft and natural edge to Sandhutton which contributes significantly to the rural setting of the village.

7. Outline permission has been granted on the site opposite Cradock Row on the western side of the A167 and works were taking place at the time of my site visit. Whilst I have not been provided with the full details relating to this permission, it appears that this development to the west relates to residential development which will effectively round the village off and the built form will end where Cradock Row sits. This would leave a gap between the northern edge of the main settlement and the outlying buildings further north which includes the village hall. Currently, there is a very pleasant rural feel on approaches into and out of the village. This is due to the largely uninterrupted hedgerows which line both sides of the A167 interspersed with a number of trees beyond of which are open agricultural fields. The existing gap between the northern edge of the main settlement and the outlying buildings further north creates a visual buffer and sense of openness and spaciousness which makes a positive contribution to the setting of the settlement.
8. Built development along Cradock Row is visible upon entering the village from the north, although this is at a distance and is not dominating. The overall rural appearance, openness and spaciousness is still felt and consequently, the break between built form is an important aspect to the setting of the village. Whilst the site is located adjacent existing development and is in close proximity to the village, it was clear from my site visit that the site has a visual and physical connection to the open countryside and is viewed in this context opposed to being viewed as part of the village itself.
9. The appeal site and surrounding land may not be detailed within the Council commissioned Landscape Character Appraisal or any Hambleton policy or evidence document as a site of particular significance to the landscape character of this particular area. However, this does not undermine my assessment of the site's current overall contribution to the setting of the village nor is that finding diminished by the site's lack of historic significance since development can still be harmful to the overall character and setting of the village. I have had regard to the Landscape Statement submitted by the appellant and note the key characteristics of the area which are not disputed. The appeal site however forms one small part of a much wider landscape which the assessment covers and for the reasons set out in this decision, I cannot agree that the site itself has no valuable character.
10. I accept that there would be an area of land that would remain undeveloped between the site and the buildings further north. I also accept that the proposed layout could be conditioned to ensure a generous buffer along the northern edge of the site. However, even taken together, there would still be a much-diminished gap which would completely alter the rural character and setting of the village. The larger gap on the western edge would remain but it would still result in the overall coalescence of the northern part of the settlement.

11. I am therefore not convinced that the proposed development, despite its small-scale nature could sustain an acceptable degree of openness or that it would present organic growth of Sandhutton. The existing buildings further north are not so disconnected for there to be any merit in having these buildings better connected to the village. Additionally, these buildings do not form part of the main part of the village, and this is a defining part of the character of the settlement. The gap that exists gives Sandhutton a real sense of place which would be diminished by the proposed development.
12. As set out above, the existing landscaping lining the A167 creates a soft and natural edge to the settlement adding to the rural setting of the village. I accept that existing landscaping could largely be retained and indeed enhanced, and I note comments made regarding a more defensible boundary to the northern edge which would help screen some of the existing built development along Cradock Row. Such landscaping could indeed be conditioned were I minded to allow the appeal. However, the development would still result in additional built form including a formal access point which would create an urbanising effect and thus have an impact on the site's rural appearance and openness in this particular location. Enhanced landscaping would also take time to establish, and development would still be visible upon entering and exiting the village.
13. I note the changes made to the access which allows for built form to be further retained to the southern extent of the site, although I am not sufficiently persuaded that this would overcome the harm identified above or that it would assimilate the development within the surrounding built form. Despite not exceeding the curtilage to the east, development on this site would not square off the northern end of the village as it would result in development encroaching further northwards away from the main settlement.
14. The Indicative Site Plan highlights that bungalows are envisaged for the site to be in keeping with the surrounding context although this would be subject to further approval. Whilst the height of the properties could be conditioned were I minded to allow the appeal, the introduction of built development along with amenity areas, driveways and access would still harmfully and incongruously encroach into the countryside affecting the setting of the village. Views of the site are currently limited given the enclosed nature of the site. This would however be altered by the formation of the access which would open up views into the site and the presence of built form would still be apparent on approaches into and out of the village and thus losing that sense of openness and spaciousness which currently exists. Even if the dwellings were not overbearing in a visual sense, this would not alter the presence of built form. Notwithstanding, the claimed high quality design, I consider that the appearance of the village when approaching from the north is not in need of improvement particularly when the proposal would result in the reduction of the important visual buffer that exists.
15. My attention has been drawn to previous appeal decisions¹ relating to land located on the opposite side of Cradock Row on the western side of the A167 where it was determined that residential development would not have a harmful effect on the character and appearance of the surrounding area. Whilst I do not have the full details that would have been before the decision maker in

¹ APP/G2713/W/21/3284541 and APP/G2713/W/22/3306331

those appeals, the Inspector explained that there would still be a substantial gap between the proposed development and the village hall to the north and the development would not go beyond the northern most limits of the settlement which was said to be the existing properties on Cradock Row. There are therefore material differences between these appeals and the one before me as the appeal I am considering exceeds the northern most limits of the settlement.

16. For the reasons given above, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. As such, it would be contrary to Policy HG5(e) of the Hambleton Local Plan, 2022 (HLP) which requires all 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.

Other Matters

17. There are no listed buildings or Scheduled Ancient Monuments on the site or close by, nor is the site within or adjacent to a Conservation Area. There are no national or local statutory ecological designations affecting the site and the proposed development would indeed result in a net gain in biodiversity. Such matters would not however be sufficient to outweigh the harm identified nor would the lack of adverse impacts relating to flooding/drainage and contamination.
18. The Council does not raise any particular concern with regard to other elements of Policy HG5 of the HLP nor does it raise any particular concern in relation to highway safety or residential amenity. I also note comments relating to the accessible location and contribution to the Council's housing supply although this would be very modest. Such matters would again not be sufficient to outweigh the harm identified to the character and appearance of the surrounding area.

Conclusion

19. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR