
Appeal Decision

Site visit made on 13 November 2023

by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/U2750/W/23/3329428

Land off Flatts Bank, Gayles Lane, Ravensworth, Richmond DL11 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Botham against the decision of North Yorkshire Council.
 - The application Ref 22/00518/FULL, dated 27 July 2022, was refused by notice dated 2 May 2023.
 - The development proposed is the construction of a new dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the site lies in a suitable location for new residential development having regard to local and national planning policies and accessibility to local services and facilities, and whether the proposal is of exceptional quality having regard to Paragraph 80 (e) of the National Planning Policy Framework.

Reasons

3. The appeal site comprises an area of land some 0.4ha in size, located off a single-track lane to the south west of the village of Ravensworth. The land, which is roughly level, has an open, rural character with a mix of improved and semi-improved grassland, an access track and a few small structures with a hedgerow and mature vegetation to the south-western boundary where the land levels drop down to a watercourse.
4. The Council's decision notice refers to several policies of the Richmondshire Local Plan Core Strategy 2014 (the Local Plan) which set out the Council's strategy for growth. That strategy seeks to direct most new housing to central Richmondshire. Ravensworth, Dalton and Newsham are identified in Policy SP2 as a Secondary Service Village Cluster where, given that the villages have limited facilities of their own, local services and facilities will be shared. Within these settlements a small amount of new housing growth will be acceptable.
5. Policy CP4 directs the location of new development to within or adjacent to a settlement's defined development limits or main built-up confines where boundaries do not exist. I have not been provided with any details of the defined settlement boundary, if there is one, but it is clear that the site lies some distance from the built-up part of the village, separated from it by fields

and woodland. In visual terms it forms part of the open countryside. Indeed, there is no dispute between the main parties that the site is isolated, a matter to which I will turn below.

6. In terms of its accessibility, the site is within easy reach of Ravensworth by car and to my mind is within both walking and cycling distance. However, due to the unlit nature of the lane, which does not have footpaths, it is unlikely to be an attractive walking route at night. Other settlements, with a greater range of facilities lie further away and are unlikely to be reached other than by car. It seems to me that this is to be expected within the village clusters. However, notwithstanding this, given that the site lies outside of the settlement, the proposal fails to meet the strategy for growth set out in Policy CP4 of the Local Plan.
7. I have not been provided with any development plan policies relating to new development within the countryside. However, the National Planning Policy Framework (the Framework) is clear at paragraph 80 that the development of new isolated homes in the countryside should be avoided except in the defined set of circumstances. Those exceptions include, relevant to this proposal, paragraph 80 e), circumstances where the design is of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, and would help raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. This sets a very high bar.
8. There is no definition in the Framework as to what 'isolated' means. However, as set out above, the site is separated by fields and woodland from Ravensworth and is at a distance from other settlements. The site cannot be seen from the built-up part of the village and vice versa. On that basis it is appropriate to consider whether the proposal would meet the exception at paragraph 80 e).
9. The proposed dwelling is a roughly 'H' shaped building comprising two blocks, one containing an open plan kitchen, dining and living room, the other the bedrooms, service rooms and what appears to be either an integral garage or a plant room. Both blocks would be clad in burnt timber vertical cladding panels and linked by a glazed corridor. The blocks would both have a monopitched roof, one would be fitted with photovoltaic panels and the other would have a 'green' roof. The building would be set back into the site and accessed from the lane by a gravel driveway.
10. The Design and Access Statement (D&A Statement) indicates the high environmental credentials employed in the design of the house. In that regard I note the building would include technologies including the use of structurally insulated panels for air tightness and fabric efficiency, a trombe wall and photovoltaic panels for solar gain and ground source or air source heat pumps. This is undoubtedly a benefit of the scheme. However, there is a degree of confusion in the scheme with the D&A Statement explaining that all windows will face south for maximum solar gain, when it appears they would face north east and not therefore benefit in that regard. Notwithstanding that, whilst the dwelling is proposed on a low carbon basis, there is nothing especially innovative about the technologies used in the development. Many modern development proposals strive to be energy efficient and indeed the Council sets

out that Policy CP2 of the Local Plan requires all new development to exceed standards set out in the Building Regulations in that regard.

11. The appeal statement advises that the site has been used in the past for pheasant shoots and accordingly the design of the building has been informed by that of a bird hide. However, whilst that may be the case, there is nothing before me to suggest that bird hides form a significant part of the local landscape. In any event, bird hides by their nature are relatively modest structures and tend to be tall and narrow with limited openings. When viewed from the road the rear part of the building would have a long, horizontal form. Moreover, as a whole, the building would be far more sprawling, with significantly more bulk and volume than a bird hide and with considerably more openings, including a substantial area of full height glazing to the front. On that basis I am unconvinced the design approach is either appropriate or successful.
12. I acknowledge that the dwelling is articulated to reduce its massing and is of a low height to reduce its impact in the landscape. In addition, the internal accommodation is efficiently planned. However, in terms of its appearance the building is not unlike other contemporary buildings of its type and whilst it is claimed that local materials would be used in the construction, there is no evidence to support that. Moreover, it is unclear how the form, massing and appearance of the building, particularly the front elevation, is sensitive to locally defining characteristics. Accordingly, whilst the building is not badly designed, I am unconvinced that it is truly outstanding. The building has not been peer reviewed or subject to scrutiny by a design review panel and there is nothing before me that gives credibility to the claim that this is a listed building of the future. Furthermore, I am unconvinced the proposal would raise the standards of design in the rural area other than in terms of energy efficiency, particularly given the architectural quality of some of the historic buildings in the village.
13. The setting of the building is essentially open with pockets of woodland or treed areas. Any structures currently on and around the site are of a small scale. In contrast, the proposal would introduce a sizeable building into the landscape which would be accompanied by the activity and paraphernalia normally associated with a domestic use. Whilst I recognise that the building has been set back from the road and an area of open space would be retained in front of it, the proposal would reduce the openness of the site in both spatial and visual terms. I acknowledge that the impact of the proposal on the landscape would be localised. Nevertheless, viewed from the road, the development, including the sweeping driveway, would be an urbanising feature.
14. The appeal statement indicates that vehicle activity associated with the site would be no greater than it is at present. However, there is no planning history that sets out the lawful use of the site and I have been provided with only limited details of how the site is currently used. On that basis, given that the proposal is for a family sized dwelling which would generate a degree of daily activity, I am unconvinced the proposal is directly comparable to the existing use in terms of comings and goings and general activity.
15. The proposal is accompanied by a landscaping scheme which includes the retention of meadow grassland to the front and rear of the site and the creation of wildflower grassland immediately around the building. Whilst the scheme is

not inappropriate in its context, it offers mitigation against the effects of the proposal rather than a significant enhancement of the site.

16. The submitted biodiversity assessment indicates that the proposal would lead to a net gain in biodiversity of just over 10%. This is clearly a benefit of the scheme and is not disputed by the Council. Given the government's priority of achieving biodiversity net gain on development sites generally, this carries limited positive weight in my considerations. Nevertheless, it does not represent a significant enhancement in the building's setting.
17. Taking all these considerations into account, the proposal does not meet the very high test set by paragraph 80 e).
18. I therefore conclude that the appeal site is not a suitable location for new residential development and would therefore be contrary to Policy CP4 of the Local Plan as set out above. Furthermore, the proposal does not represent exceptional quality such that it is considered an exception to policy, as set out in the Framework.

Other Matters

19. I have been provided with a list of planning applications for residential development in the Ravensworth area. However, I have no details of these applications and cannot therefore be certain that the proposals, and the context in which they were determined, are directly comparable to the proposal before me. Accordingly, I have considered the appeal in terms of its own site specific circumstances.

Conclusion

20. Therefore, having regard to all matters raised including the representation of support for the proposal, I find that there are no considerations that outweigh the conflict with the development plan. The appeal is therefore dismissed.

S. Ashworth

INSPECTOR