



Appeal Decision

Site visit made on 26 March 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024

Appeal Ref: APP/P2745/W/23/3333721

Fairfield, Ripon Road, Kirby Hill, York, North Yorkshire YO51 9DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Thomas Cussons against the decision of North Yorkshire Council.
 - The application Ref is ZC23/02535/OUT.
 - The development proposed is the erection of 1 No dwelling within garden of Fairfield (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.
3. In April 2023, several councils combined 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.
4. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the proposal having regard to the development strategy for the area;
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Development Strategy

6. The appeal site comprises a parcel of land that forms part of the garden of the dwelling of Fairfield. Fairfield is located to the north west of Kirby Hill and forms one of a small group of dwellings that front on to the B6265 road.
7. Policy GS2 of the 2020 adopted Harrogate District Local Plan 2014 – 2035 (the LP) sets out the development strategy for the area. This is based on focusing growth within the district's main settlements, settlements on the key public transport corridors and a new settlement within the Green Hammerton/Cattal area. Policy GS2 defines a settlement hierarchy to assist with this. Policy GS3 of the LP defines development limits for the places in the settlement hierarchy.
8. The site lies outside the development limit of Kirby Hill, which is identified as a Service Village within the settlement hierarchy in Policy GS2. For development plan purposes therefore, the site is classed as the wider countryside, notwithstanding that the site is owned by the appellant and is within the boundary of the garden of Fairfield. Policy GS3 states that outside development limits, proposals for new development will only be supported where expressly permitted by other policies of the LP, a neighbourhood plan or national planning policy.
9. My attention has not been drawn to any relevant LP or neighbourhood plan policies that would expressly permit the proposed development.
10. The Framework seeks to achieve sustainable development, with paragraph 8 setting out that the planning system has three overarching economic, social, and environmental objectives to achieve this. The proposal would have some economic and social benefits. While the submitted evidence identifies that the local planning authority can demonstrate the four- or five-year supply of deliverable housing sites stated in paragraph 77 of the Framework, the proposal would nevertheless contribute to the government's objective to significantly boost the supply of homes. There would also be associated benefits such as temporary employment during construction and additional residents that would support local services and facilities over the longer term. However, the benefits stemming from one dwelling would be limited.
11. Kirby Hill is a relatively small village in a rural location that offers some, albeit limited, services and facilities. It would be theoretically possible for future residents of the proposed dwelling to walk or cycle to the village, which is not too far in distance terms. However, the unlit nature of the road and lack of pavement would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather. Future residents of the proposed dwelling would therefore be reliant on a private motor vehicle to access day to day services. While recognising that opportunities for sustainable transport solutions varies between rural and urban areas, the proposal would not support the locational aims of the LP or the Framework to avoid unsustainable patterns of development.
12. I therefore conclude that the appeal site would not be a suitable location for the proposal as it would undermine the Council's development strategy. As such, it would conflict with the requirements of Policy GS2 of the LP, as summarised above.

Highway Safety

13. Access to the site would be onto the B6265. The speed limit along this road in the vicinity of the site is 60mph. I appreciate that the proposed access already exists. However, it is necessary for me to determine the appeal against up-to-date policy including the Framework which states that proposals should not have an unacceptable impact on highway safety.
14. I could see from my site visit that there would be some manoeuvring space to the rear of the parking areas indicated on the submitted plans. Furthermore, I am mindful that the positioning of the parking areas and dwelling shown on the submitted plans is indicative only. I observed that visibility at the proposed entrance was reasonable. However, given the speed limit, and volume of vehicles that I observed during my site visit which I appreciate was just a snapshot in time, it is important to be certain that vehicles would be able to enter and exit the site in a forward gear. Based on the submitted evidence, which includes a vehicle tracking diagram that is not to scale, I cannot be certain that this would be achievable.
15. Consequently, without clear evidence to the contrary, I conclude that the proposal would result in an unacceptable impact on highway safety. As such, it would conflict with the highway safety requirements of paragraph 115 of the Framework.

Character and Appearance

16. The site lies within the 'Dishforth and Surrounding Farmland' character area in the Council's Landscape Character Assessment. It is described as comprising large scale arable fields with scattered, diverse development punctuating the uniform and open agricultural landscape. Tree cover and hedgerows are intermittent affording long distance views. The guidelines recommend aims to protect, enhance, conserve, and preserve the landscape. These include maintaining the extensive views across and beyond the area, and that new development must take account of openness and views and should not impact upon these valued characteristics.
17. The site is set within an open rural landscape located near to several detached properties along the B6265 road, and so displays some of the landscape characteristics of the area. Long distance views are available across fields and from stretches of the B6265 within the vicinity of the site.
18. At the time of my site visit, the only property to the south of the B6265 within this group of dwellings was Fairfield. The submitted evidence indicates that the site beside Fairfield, identified on the submitted plans and in evidence as Sunny Lea, has planning permission for a replacement dwelling. Building work at that site was underway. Nevertheless, the proposed dwelling would be viewed in the context of the small number of detached dwellings scattered along the road in this location and would be seen as closely associated with Fairfield.
19. Approaching the site from both directions along the B6265, the proposed dwelling would be viewed in the context of this existing built form. There would be some vantage points near to the site on the B6265 where the proposed dwelling would foreshorten views of the open countryside to the south, east and west. However, this would be limited. From most vantage points in the area, the proposal would not hinder the extensive views.

20. A dwelling on the site would alter its character and appearance through introducing built development where currently there is none other than a couple of small structures. Nonetheless, the character and appearance of the site is not one of open undeveloped countryside. It is domestic in character, with more manicured grass and other residential paraphernalia apparent. This is compounded by the sense of containment from the surrounding countryside that is afforded by the hedge along the south east boundary of the site.
21. I am therefore satisfied that a new dwelling could be built on the site that would maintain the wider landscape character of the area. Accordingly, I conclude that the proposal would not harm the character and appearance of the area. Consequently, it would accord with Policies HP3 and NE4 of the LP. Amongst other matters, these policies require proposals to protect, enhance, restore, or reinforce the landscape character and local distinctiveness of the district's rural environment.

Other Matters

22. While the site on the other side of Fairfield is under development, this is for a replacement rather than a new dwelling and so is not directly comparable to the appeal proposal. No further information is provided about the dwelling constructed at the nearby windmill so I cannot be certain that the circumstances would be directly comparable to this current appeal proposal, which I have, in any event, considered on its own planning merits.
23. The appellant identifies that there was no objection from members of the public. However, the absence of objection does not in itself render the scheme acceptable.
24. The appellant argues that the proposed dwelling would allow them to be closer to parents with health and mobility circumstances. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. However, the supporting evidence is lacking in any detail as to whether and how the personal health circumstances of the individuals would serve to justify the proposed development. In respect of the PSED, the weight I can attribute to this is limited by the absence of substantive justification. As such, this does not amount to a material consideration of sufficient magnitude to outweigh the primacy of, and conflict found with, the development plan.

Conclusion

25. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area. However, the proposal would conflict with the development strategy for the area, and I am unable to conclude that it would be possible to erect a dwelling on the site without an unacceptable impact being caused to highway safety. These are matters of overriding concern and to this extent there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR