



Appeal Decision

Site visit made on 4 June 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/E2001/W/24/3337290

Land north of the Paddock, Town Street, Hayton, East Yorkshire YO42 1RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Harry Sadler against the decision of East Riding of Yorkshire Council.
 - The application reference is 22/02829/PLF.
 - The development proposed is erection of four detached houses and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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

3. The main issues are:
 - whether the proposal would be in a suitable location for housing having regard to the development strategy for the area;
 - whether the proposal would be appropriate in terms of the efficient use of land and housing mix; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Development Strategy

4. Policy S1 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD) sets out a presumption in favour of sustainable development. Policy S2 supports a reduction in greenhouse gas emissions. To support these policies, Policies S3 and S4 of the ERLP SD set out the development strategy for the area, based on a settlement network to direct most new development to areas where there are services, facilities, homes, and jobs and where it can be served by the most sustainable modes of transport.
5. The appeal site lies outside, but close to, the development limit of Hayton as defined in the ERLP SD. For development plan purposes, the site is therefore within the Countryside and is subject to the requirements of Policy S4.

6. There would be some minor benefits to the local economy in terms of short-term employment during construction and longer-term support to local services and facilities. These benefits gain some support for the proposal from Part A of Policy S4 where it supports new development in Villages and the Countryside to maintain their vibrancy.
7. However, Part A also includes other criteria to be met. In my judgement, housing on greenfield sites would not automatically be precluded by Part A.2 which encourages the re-use of previously developed land where appropriate. There is no evidence to suggest that the site is on the best and most versatile agricultural land. Part A.1 requires an appropriate scale of development. While Part B of Policy S4 relates to proposals within the development limits of Villages, it provides a position on what is an appropriate scale of development in such locations. It is supportive of new housing usually comprising a single dwelling, which the proposal, at four dwellings, would clearly exceed.
8. Regardless of compliance or otherwise with Part A, Policy S4 is clear that development in Villages and the Countryside should also accord with the specific provisions of Parts B or C of the policy. Part C is specific to the Countryside. As the proposal is for new open market dwellings, it would not satisfy any of the circumstances in Part C. The proposed development would therefore conflict with Policy S4. To allow the appeal would undermine the planned approach to the distribution of development in East Riding.
9. The site has become somewhat enclosed by development, particularly to the west and south. This includes the relatively recently constructed dwellings on its western boundary that front onto the A1079 road. I acknowledge that these appear to be outside the development limit, but there is no evidence before me to indicate what considerations may have been relevant to the decision to grant planning permission for these dwellings. It may well be that the site does not have a substantive agricultural value given its size and proximity to dwellings. However, the limits to development and the provisions of Policy S4 are clearly set out, and I have assessed this appeal proposal on that basis.
10. Hayton is a Village which is a low tier in terms of the settlement hierarchy set out in Policies S3 and S4. These tend to be the smaller settlements in East Riding and based on the description in the supporting text to Policy S4, generally have only very limited services. There are some limited facilities in Hayton which the site would be near to. There are bus stops within a reasonable walking distance of the site. Therefore, while the location of the site does not sit well with the settlement hierarchy, in terms of functional connectivity, the proposed dwellings would not be considered as isolated homes in the countryside in the context of paragraph 84 of the Framework.
11. Nevertheless, and while noting the support that the Framework gives to windfall sites, there would be conflict with Policy S4, together with Policies S1, S2 and S3 of the ERLP SD, which seek to focus new development within the development limits of existing settlements. Due to this conflict, I conclude that the proposal would not be in a suitable location for housing having regard to the development strategy for the area.

Use of Land and Housing Mix

12. Policy H4 of the ERLP SD encourages development to achieve a density of at least 30 dwellings per hectare (dph). Part C of the policy states that lower density development will be appropriate where justified, which could be where it would be in keeping with the character of the surrounding area; or a certain house type is needed in the area.
13. There seems to be agreement between the main parties that the proposed development would be around 23dph. Hayton is a small rural village. While there is some variety in the built form in terms of age and architectural styles, the village has a generally loose-knit form. In my judgement, this density would not be unreasonable given the character of the village and the site's edge of village location.
14. I therefore conclude that the proposal would be appropriate in terms of an efficient use of land. Accordingly, I find no conflict with the requirements of Policy H4 as summarised above.
15. The proposal includes two three-bedroom bungalows and two four-bedroom two storey dwellings. The evidence before me on housing need indicates that bungalows are in demand, but there is an over provision of four-bedroom dwellings and three-bedroom dwellings are being provided close to the target.
16. In my judgement, it is necessary that there should be reasonable adherence to the housing need and mix guidance. Indeed, if this did not happen for most sites, there would be a risk that the need for housing types would not be met across the authority area as a whole.
17. The bungalows proposed would contribute to the housing mix for potential occupiers of limited mobility and would reflect the elderly and ageing demographic. However, given the inclusion of four-bedroom dwellings, it is likely to be the case that the scheme would not fully meet the identified housing needs in terms of its mix. Consequently, I find that the proposal would not be appropriate in terms of housing mix, as the proposed mix of housing would fail to accord with the requirement of Policy H1 of the ERLP SD. This policy requires residential development to contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first-time buyers, current demand and existing housing stock.

Character and Appearance

18. Although the proposal would bring about a significant change to the site itself, it would be well contained within the wider landscape due to a combination of vegetation and existing buildings. Furthermore, as the site is adjoined by housing on its western boundary it would not significantly protrude into the countryside.
19. Views of the proposed dwellings from outside the site including from the A1079 and within the village would be limited. Additionally, from the north and east the proposed dwellings would be seen against the backdrop of the existing buildings on the northern edge of the village. There is a hedge along the northern boundary of the site. There appears to be no reason why this could not be retained and supplemented to soften the appearance of the proposed development. Overall, the landscape and visual effects of the proposal on the wider area would be limited.

20. The design and materials proposed for the dwellings would be reflective of the surrounding built form. Nevertheless, the character and appearance of the site itself would markedly change from a paddock to built development. The intrinsic character of the land would be urbanised and there would be encroachment into an undeveloped area.
21. Consequently, while there would not be a harmful effect on the character and appearance of the wider area, there would be a modest level of harm to the character and appearance of the surrounding area associated with the fundamental change in the site from paddock to housing. As such, there would be some conflict with Policies S4, ENV1 and ENV2 of the ERLP SD. Amongst other matters, these policies require development in the Countryside to respect the intrinsic character of their surroundings; to have regard to the specific characteristics of the site's context and the character of the surrounding area; and be sensitively integrated into the existing landscape.

Other Considerations

22. The proposal would contribute four dwellings to the supply of housing. In this regard, it would accord with the objective of the Framework regarding significantly boosting the supply of homes and the recognition given to the contribution that small sites can make to meeting the housing requirement of an area. There would also be social and economic benefits such as construction employment and additional residents supporting local services and facilities. These considerations weigh positively for the proposal. However, I do not afford such benefits very significant weight in the context of the Local Planning Authority being able to demonstrate more than a five-year supply of deliverable housing sites, a matter not disputed by the appellant, and the quantum of houses proposed.
23. The appellant states that there are no technical or infrastructure objections to the proposal. While this may be the case, a lack of harm is neutral in the planning balance.

Planning Balance and Conclusion

24. I have found that the proposal would be appropriate in terms of the efficient use of land. However, the proposal would not be in a suitable location for housing as it would undermine the planned approach to the distribution of development. The Framework states that the planning system should be genuinely plan-led. The conflict with the Council's development strategy is therefore a matter which I afford significant weight to. There would also be a modest level of harm to the character and appearance of the area and the proposal would not provide an appropriate housing mix.
25. The other considerations in this case are not sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR