

Appeal Decision

Site visit made on 17 September 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/U2750/W/24/3344470

Land at Former Mill House, Sykes Lane, Tollerton, North Yorkshire YO61 1RD

- 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 Mrs Sara Ellis of Castlevale Limited against the decision of North Yorkshire Council.
 - The application reference is ZB23/02623/OUT.
 - The development proposed is the erection of a single commercial workshop/studio and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with appearance, landscaping, layout, and scale reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative other than those relating to access.

Main Issue

3. The main issue is the principle of the proposal with regard to its location.

Reasons

4. Policy S3 of the 2022 adopted Hambleton Local Plan (the Local Plan) sets out the approach to the spatial distribution of development. It is based on a settlement hierarchy, where growth will be focussed on Northallerton and Thirsk; key employment locations within the central transport corridor; named market towns and Service and Secondary Villages; and Small Villages. Tollerton is identified as a Secondary Village.
5. Policy S3 supports economic development within the built form of the settlements identified in the settlement hierarchy. Policy S5 of the Local Plan defines the built form as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. It lists exclusions to the built form, which includes any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement. Policy S5 also provides

a definition of the countryside, which is land outside of the existing built form of a settlement identified in the settlement hierarchy.

6. The appeal site is not too far from the main built form of Tollerton in terms of direct distance. However, it is separated from it by a large agricultural field which is clearly visible in views at this end of the village and when travelling along the road. The site lies beyond the East Coast Mainline (ECML). The ECML forms a permanent and substantial physical and visual barrier between the site and the main built form of Tollerton. Additionally, the substantial embankments of the bridge over the ECML provide a further physical and visual barrier separating the site from the main built form of the village.
7. I appreciate that some settlements alter in character from the centre to the more peripheral areas and then into the countryside. Nonetheless, from the submitted evidence and what I observed at my site visit, Tollerton is a reasonably compact village and the character of the built form changes beyond Station House to a more infrequent grain of development.
8. The 30mph speed sign and village sign lie beyond the site and there is a pavement and street lighting between the site and the built form of Tollerton. Nonetheless, as a result of the above factors, the site appears as clearly separate from the closely grouped and visually well related buildings of the main part of the settlement and the land associated with them. As such, the proposal would lie within the countryside, based on the definition in Local Plan Policy S5.
9. There is some development near to the site, notably the Station Inn, the caravan park, and a Network Rail compound. However, in my judgement, for the same reasons as given above, these are clearly detached from the main part of Tollerton. A google definition of the village is not directly relevant to determining whether a site lies within its built form under the terms of Local Plan Policy S5.
10. For the reasons given, the proposed development would lie outside the main built form of a defined settlement and so would fall to be considered under the terms of Policy EG7 of the Local Plan. This policy recognises that the expansion and creation of businesses in the countryside may be appropriate and supports employment generating development in such locations where it involves one of the four listed circumstances.
11. As stated above, the site is not too far in distance terms from the main built form of Tollerton. The new building would be in proximity to the Station Inn. Although the plans showing a potential design for the building are indicative, there is no reason to doubt that a building could be designed and built on the site without detracting from the character and appearance of the surrounding area.
12. However, there is no clear evidence that the proposal would be for the expansion of an existing business, or for a proposal that specifically requires a countryside location. It would not involve the re-use of an existing building. The proposal would not therefore satisfy the circumstances in criteria a, b or d of Policy EG7. Criterion c requires demonstration that a proposal for a new building cannot be located within the built form of a settlement or an identified employment location. This requirement is also addressed in the

supporting text to the policy where it states that proposals for the expansion and creation of businesses in the countryside must be supported by a statement and robust business plan setting out the operational/functional need for the scale of development proposed and the justification for its location. No such evidence has been provided to support the proposed development. The proposal would not therefore comply with the requirements of Policy EG7 of the Local Plan.

13. Chapter six of the National Planning Policy Framework (the Framework) and local planning policies are supportive of proposals that help to build a strong competitive economy. This includes Policies S3, S5 and EG7 of the Local Plan. These policies appear to me sufficiently flexible to enable choice and diversity for economic development proposals within the context of the defined development strategy, even with some changed working practices brought about by events such as Brexit and Covid. However, the support offered by national and local planning policies does not mean that all such developments will be acceptable.
14. Paragraph 89 of the Framework recognises that in rural areas, sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements. Policy EG7 aims to promote a vibrant rural economy, and to this end acknowledges that businesses outside of existing settlements may be appropriate. The appellant argues that granting planning permission for the proposal would provide the opportunity for a business to expand and grow and market demand would determine whether it is developed. However, Policy EG7 of the Local Plan requires that a justification is given for an employment generating development beyond a settlement, which has not been provided in this case.
15. The Framework advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. While giving some positive weight to the economic and social benefits associated with a commercial building, they are not sufficient to outweigh the conflict with the development plan in this instance, even were I to consider the site as previously developed land.
16. I therefore conclude that the principle of the proposal with regard to its location would not be acceptable as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such, it would conflict with the requirements of Policy EG7 of the Local Plan, as summarised above.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight, including the Framework, 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