



Appeal Decision

Site visit made on 30 October 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2024

Appeal Ref: APP/U2750/W/24/3347040

Hesley Lane, Rathmell BD24 0LA

- 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 Nathan Milner against the decision of North Yorkshire Council.
 - The application Ref is ZA24/25837/FUL.
 - The development proposed is described in the application form as "dwelling on land adjacent to Hesley Lane, Rathmell, North Yorkshire."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide a suitable location for housing, with particular regard to the Council's spatial strategy and whether there is an essential need for a rural worker to live at or near their place of work in the countryside; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal would provide a suitable location for housing

3. The appeal site is located to the south of a small cluster of dwellings along Mill Lane, and west of two larger groupings, which the evidence indicates form parts of Rathmell. Rathmell is a Tier 5 settlement as defined in the Craven Local Plan 2012 to 2032 Adopted 12 November 2019 (the Local Plan). Policy SP4(J) of the Local Plan provides some support for new housing within the main built-up area of Tier 5 settlements.
4. The main built-up area is defined as the settlement's closely grouped and visually well related buildings and any associated spaces between them. The existing dwellings and amenities of the village are spread across separate clusters of development. However, the appeal site is appreciably separated from each cluster, and is not visually well related to any. Based on the evidence and my own observations, the site therefore does not sit within the main built-up area of Rathmell but is located within the open countryside.
5. Policy SP4(K) of the Local Plan provides some limited support for proposals for new homes in the countryside away from existing settlements, provided that they comply with one of the exceptions listed. These exceptions include (a) the

proposal would meet an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Rural Workers' Dwellings in Craven Supplementary Planning Document 13 December 2022 (the SPD) defines a rural worker's dwelling as a new build dwelling, or one created by replacing an existing building, that is needed to house a rural worker associated with farm, forestry and other land-based businesses.

6. Policy EC3 of the Local Plan requires such dwellings to be justified on functional and financial grounds. The Planning Practice Guidance (PPG) advises that, when assessing such proposals, considerations may include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work. The SPD further clarifies that applicants need to provide credible evidence based on the needs of the rural enterprise and the lack of suitable accommodation elsewhere within the locality.
7. The appellant indicates that they have 10 years of experience in the repair and maintenance sector, and have secured regular work from local establishments, including maintaining the fleets of equipment they use. They have also worked as a labourer in forestry, moorland and farming work. Invoices for repair work, farm labour, haulage and forestry work have been provided, as has a contract of employment and supporting statements from local businesses.
8. Nevertheless, even if this were considered a rural enterprise for the purposes of the SPD, the operations are carried out across a broad geographical area, including in or around Settle, Giggleswick and Stainforth. These locations are distant from the appeal site, and the appellant acknowledges that their long-term goal is to establish a company for Settle and the surrounding areas. The appellant has also indicated that a workshop in Rathmell would not provide immediate benefits for the company and would be rented out for income.
9. There is thus little evidence that any commercial activity associated with the business would be carried out from the appeal site or neighbouring land, now or in the future, except for administrative tasks that would not be location dependent. Therefore, the proposed dwelling could not reasonably be described as being at, or in close proximity to, the appellant's place of work.
10. There are several settlements within the wide geographic area in which the appellant's business operates. The appellant maintains that the local property market is limited and expensive. However, even if a functional need for a dwelling to support the business had been identified, a thorough exploration of the comparative availability or affordability of other accommodation within this area has not been presented. It has thus also not been demonstrated that suitable accommodation would not be available elsewhere within the locality.
11. In view of the above, it has not been demonstrated that, based on the needs of the business, it is essential for the appellant to live at the appeal site. The proposal would therefore fail to provide a suitable location for housing, with particular regard to the Council's spatial strategy and whether there is an essential need for a rural worker to live at or near their place of work in the countryside. It would be contrary to Policy SP4 of the Local Plan and Paragraph 84 of the National Planning Policy Framework (the Framework). These policies, among other provisions, seek to promote a sustainable pattern of growth and avoid the development of isolated homes in the countryside.

Character and appearance

12. The appeal site comprises an elongated narrow strip of land running alongside Hesley Lane, opposite the junction with Mill Lane. While Hesley Lane slopes downhill from east to west, much of the appeal site remains relatively level, rising above the road behind a concrete retaining wall. Along the southern boundary is a tall stone wall.
13. The surrounding area is predominantly rural in nature. Agricultural fields extend away from the site in all directions. These are typically bounded by traditional stone walls or other rural enclosures, with some boundary hedgerows in places. There are clusters of residential development further to the north and east, though these do not form the immediate setting of the appeal site. Several agricultural buildings are however visible in the landscape.
14. The site is largely cleared with a grass, gravel and dirt surface. I observed that it was surrounded by temporary metal fencing and held a small collection of building materials and two cars. Despite the presence of the uncharacteristic concrete retaining wall, the predominantly undeveloped and open nature of the site contributes to the openness and rural character of the area.
15. The proposal would introduce to the appeal site a large contemporary dwelling, a large detached garage, additional boundary enclosures and soft landscaping. The proposed dwelling would occupy a considerable proportion of the centre of the site, sitting close to both the northern and southern boundaries. This would considerably enclose the site and erode its existing open character, and the contribution this makes to the character and appearance of the area.
16. Moreover, the contemporary domestic appearance of the dwelling, including large window openings, balconies and render, combined with associated domestic paraphernalia, would appear incongruous amongst the predominantly rural architecture and landscape in this area.
17. A pocket of woodland towards the lower part of Hesley Lane provides some screening of the appeal site in wider views from the west. However, the site is otherwise in a somewhat prominent and exposed position, opposite a junction and towards the brow of a hill, with sweeping views across the surrounding countryside. There is also limited screening provided by local vegetation, particularly along the northern and southern boundaries. This would emphasise the proposal's isolation within the existing landscape.
18. While additional boundary planting is proposed along the northern, western and eastern boundaries of the site, the southern boundary of the site would remain largely exposed, and this would ultimately be insufficient to overcome the harm identified above.
19. The evidence indicates that planning permission was granted in 2021¹ for a replacement storage building, to include an integral workshop. While full details of the approved scheme are not before me, the nature of a storage building and workshop is appreciably different to that of a large contemporary dwelling, and such buildings are not uncommon in a rural setting.

¹ Council Ref 2021/22610/FUL

20. The proposal would therefore have a harmful effect on the character and appearance of the area. It would conflict with Policies ENV1 and ENV3 of the Local Plan. These policies, among other provisions, seek to conserve, restore and enhance the countryside and landscape, and ensure development is of good design that responds to the context, respects the form of existing and surrounding buildings and enhances local distinctiveness.
21. The proposal would also conflict with Paragraphs 131 and 180 of the Framework which, among other provisions, seek to encourage good design and ensure decisions contribute to and enhance the natural and local environment.

Other Matters

22. Various wildlife features are proposed, and the Council indicate that any biodiversity contribution would result in an enhancement given the current condition of the site. Nevertheless, the extent of any biodiversity net gain is unclear based on the limited information provided. This would weigh only modestly in favour of the proposal.
23. The proposal would include measures to save energy and ensure good energy efficiency for the dwelling. However, the details of these are limited and so the extent to which they would provide an enhancement over and above the existing or approved use of the site, rather than simply mitigate the effects of the proposed development, is not clear from the evidence. This therefore carries limited weight.
24. I recognise that the appellant may have family ties in the local area, and therefore living at the appeal site may provide additional private benefits in this regard. Planning is principally concerned with land use in the public interest and, while the private benefits of the proposal are acknowledged, these would not outweigh the identified harm.
25. The appellant contends there is a need for such development in the local area, in addition to a need for affordable housing for young people. However, no compelling evidence has been provided to substantiate this need. Moreover, there is no evidence that the appeal proposal would meet the definition of affordable housing as set out in the Framework.

Conclusion

26. The proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan.
Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR