



Appeal Decision

Site visit made on 25 November 2024

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2024

Appeal Ref: APP/U2750/W/24/3352354

Chapel Lane Farm, Chapel Lane, Finghall, Leyburn, North Yorkshire, DL8 5LZ

- 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 Tim Clarkson against the decision of North Yorkshire Council.
 - The application Ref is 22/00841/OUT.
 - The development proposed is construction of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located in open countryside for the purposes of planning policy. It is currently a grassed area set within a cluster of buildings, including a farmhouse and bounded to the south by a railway line. The group of traditional buildings have the appearance of a farmstead, although it appears some farm buildings have been converted into dwellings. The buildings, with the exception of the farmhouse, are modest in scale.
5. The village of Finghall, which has a defined settlement development limit, is located some distance away. The appeal site is physically separated from Finghall settlement development limit by 2 fields and around 350m. The fields contain a recently constructed holiday cottage, as well as some stables and agricultural type structures. These 2 fields have a rural character and appearance, particularly the one closest to the appeal site. They provide a clear separation between the village and dwellings closer to the appeal site.
6. Richmondshire Local Plan 2012-2028 Core Strategy (CS) policy CP4 allows for new dwellings adjacent to the settlement's development limits. However, this site cannot be described as adjacent to Finghall's development limits. It is separated by 2 fields and a railway line. Whilst there are a few dwellings between the fields and the appeal site as well as the farmstead, this is not a

reason to allow other dwellings in what is a countryside location, divorced from Finghall village.

7. The Framework at paragraph 84 advises that isolated homes in the countryside should be avoided except in certain circumstances. None of those circumstances exist in this case. Whilst the appellant argues that the proposed dwelling would not be isolated, I disagree. Although there is no definition in the Framework of what constitutes an isolated dwelling, as already discussed the site is some distance from the village centre and the defined settlement development limit. Chapel Lane is a narrow country lane with sporadic development along it, but it has a predominantly open rural character. In my view the proposal would represent an isolated dwelling.
8. The appeal site is more elevated than the land on which the surrounding development sits. It is also closer to the road than most of the development in the cluster. The position of the site in conjunction with the land level would mean that a new dwelling on this site would appear unduly prominent from the road and the open fields opposite the site.
9. Moreover, from the evidence before me it appears that far more dwellings have been granted planning permission within the local plan period than was anticipated when the CS was adopted. As such there does not appear to be an overriding reason to allow for a departure from local and national planning policy because of a lack of housing coming forward in the area.
10. Overall, I find that the proposal would have a detrimental effect on the character and appearance of the surrounding area contrary to CS policies CP2, CP4, CP8 and SP2.

Other Matters

11. I have had regard to the other appeal decisions put to me by the appellant, but I have dealt with this case on its own individual merits and the relevant CS policies.
12. The holiday accommodation that was approved by the Council is much closer to Finghall and would have been considered under a different CS policy.
13. The appellant has referred me to paragraph 11d of the Framework and asserts that this applies in this case. However, paragraph 225 of the Framework says that "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework*". It also explains that due weight should be given to them, according to their consistency with the Framework. In this case whilst the CS was adopted prior to the current Framework, the thrust of its policies are consistent with the Framework in relation to rural housing such as this.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Louise Crosby

INSPECTOR