



Appeal Decision

Site visit made on 11 July 2017

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 August 2017

Appeal Ref: APP/Y2736/W/17/3173569

West View, Underbrow, Scagglethorpe, Malton, North Yorkshire YO17 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Wigham against the decision of Ryedale District Council.
 - The application Ref 16/01140/OUT, dated 8 July 2016, was refused by notice dated 15 November 2016.
 - The development proposed is two detached houses on a site of an unused barn, stables and outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application sought outline planning permission with all matters reserved. Accordingly, I have assessed the appeal on that basis.

Main Issues

3. The main issues are: 1) whether the proposed development would be appropriate development in the countryside and would constitute sustainable development; 2) the effect of the proposed development on the character and appearance of the surrounding area with particular regard to the Wolds Area of High Landscape Value (AHLV); and 3) the effect of the proposal on the living conditions of future occupiers with regard to noise and disturbance.

Reasons

4. The appeal site comprises several agricultural buildings and a field. The site has a frontage to the eastern side of the A64 which is a single carriageway trunk road which passes to the north west of the site. The area is predominantly agricultural in character. However, there are occasional dwellings located sporadically around the area, including a pair of cottages to the north of the site and a dwelling to the south. Furthermore, the appeal site lies within the Wolds Area of High Landscape Value (AHLV).

Development in the countryside

5. Policy SP1 of the Ryedale Plan – Local Plan Strategy (LPS) sets out the spatial strategy for development within the district and identifies the hierarchy of settlements where development is to be focused. Policy SP2 of the LPS identifies the delivery and distribution of new housing in the District for the period 2012 to 2027 and sets out the criteria for acceptable development within each level of the

- settlement hierarchy. The policy also identifies exceptions to the development restrictions set out for proposals in the wider open countryside.
6. The appeal site lies within the small settlement of Underbrow which is in the wider open countryside, as defined by the spatial strategy within the LPS. In such locations, development is restricted to the exceptions detailed in Policy SP2. Having had regard to this, I find that the proposed development does not accord with any of the identified exceptions.
 7. I appreciate that the change of use of redundant or disused traditional buildings is supported by Policy SP2, in principle. However, this is subject to a restriction for local needs occupancy and where it would lead to an enhancement of the immediate setting. Notwithstanding this, the outline proposal seeks the replacement of agricultural buildings, rather than their conversion. Furthermore, I note that approximately two-thirds of the appeal site is on greenfield land and not part of the area occupied by existing buildings.
 8. The appellant has submitted evidence relating to Underbrow having previously been an occupied settlement and shows that a number of families resided there in the past. In more recent times, I note that the site formed part of a racehorse training yard. Whilst I have had due regard to these matters and the related points made by the appellant, I find that such evidence does not carry significant weight as a material consideration. Furthermore, it does not warrant the approval of a proposal which does not accord with the development plan.
 9. I note the appellant's point regarding the relatively short distance from the appeal site to some services at Scagglethorpe. From the evidence before me, I note that such facilities include a public house, village hall, playing field and church. Whilst I appreciate that these facilities are important to residents in the countryside, other key services and facilities are located more distantly from the appeal site, such as in Malton. As a result, I find that the appeal site is in an unsustainable location where future occupiers of the proposed dwellings would likely have a significant reliance on the private car.
 10. The 'Coastliner' bus service operates along the A64 between Scarborough, York and Leeds. However, I note there are no bus stops in either direction located in the vicinity of the appeal site. In addition, I find that the difficulty and danger in walking along the A64, let alone crossing the carriageway, would make the use of transport modes other than the private car less likely for future occupiers.
 11. Notwithstanding that the proposal seeks outline approval, I note that the proposed dwellings would replace existing traditional buildings which have become disused and redundant. This may result in more local residents and assist in the vitality of the area. However, no exceptional circumstances have been shown to justify allowing the proposal which would be a departure from the development plan.
 12. Consequently, I conclude that the proposed development would be inappropriate development in the countryside and would not constitute sustainable development. It would, therefore, be contrary to Policies SP1 and SP2 of the LPS. Amongst other matters, these policies seek to ensure that residential development in the wider open countryside is not permitted unless it is essential to the needs of a rural worker, or where other exceptional circumstances apply.

Character and appearance

13. Policy SP13 of the LPS requires that development contributes to the protection and enhancement of distinctive elements of landscape that are the result of historical and cultural influences, natural features and aesthetic qualities. Policy SP16 states

that development will be expected to create high quality durable places which are accessible, well integrated with their surroundings and reinforce local distinctiveness. Furthermore, Policy SP20 states that development will respect the character and context of the immediate locality and the wider landscape.

14. The proposal would involve the demolition of a substantial mass of buildings close to the public boundary of the appeal site. The appellant argues that this would subsequently bring the benefit of opening up views to the Wolds AHLV. However, the proposal is for outline approval with all matters reserved. As such, there are no details regarding the siting, scale, form and materials of the proposed dwellings. As a result, it is not possible to fully assess the impact of the proposal on the character and appearance of the surrounding area at this outline stage.
15. Notwithstanding this, given the size of the appeal site and its extent beyond the footprint of existing buildings, I find that the development of the greenfield part of the site would significantly increase the built form. Not only would it reduce the visual gap between existing properties to the north and south of the site but it would also have a detrimental effect on the wider rural character of the area.
16. Therefore, in my view, the proposed development would have the potential to increase the urbanisation of the rural location and therefore would have a significant adverse impact on the character of the wider area, including the AHLV. Furthermore, due to its proximity to the A64, I find that the proposal would result in a development which would not be well-integrated into its surroundings.
17. Consequently, I conclude that the proposal would potentially have a significant detrimental effect on the character and appearance of the surrounding area, including the Wolds AHLV. It would therefore be contrary to Policies SP13, SP16 and SP20 of the LPS.

Living conditions of future occupiers: noise

18. The appellant has stated that the trees and shrubs referred to in the proposal would create an effective sound barrier to the noise from the nearby A64 route. However, due to the outline nature of the proposal, there are no details regarding the tree and shrub planting or any measures relating to noise attenuation. Furthermore, there is no assessment or other such evidence before me, to indicate what noise mitigation measures would be necessary to address the adverse impact on future residents. Notwithstanding this, given the proximity of the site to the main road, I find it unlikely that the trees and shrubs proposed would not provide a sufficient or appropriate barrier to the noise from the A64 for the future occupiers of the proposed dwellings.
19. Consequently, I conclude that the proposed development would have a significantly adverse effect on the living conditions of future occupiers with regard to noise and disturbance. Therefore, it would be contrary to Policy SP20 of the LPS. Amongst other matters, this policy seeks to ensure that development does not have a material adverse impact on the living conditions of future occupiers, including any impacts relating to noise and disturbance.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR